

## ARTICLE 8

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### SCHEDULE OF ZONES

The following zones and their requirements appear in the Schedule of Zones included therein:

| <u>Section</u> | <u>Zone</u> | <u>Zone Title</u>                  |
|----------------|-------------|------------------------------------|
| 8-1            | A-R         | Agricultural Rural                 |
| 8-2            | A-B         | Agricultural Buffer                |
| 8-3            | A-N         | Agricultural Natural Areas         |
| 8-4            | A-U         | Agricultural Urban                 |
| 8-5            | R-1A        | Single Family Residential          |
| 8-6            | R-1B        | Single Family Residential          |
| 8-7            | R-1C        | Single Family Residential          |
| 8-8            | R-1D        | Single Family Residential          |
| 8-9            | R-1E        | Single Family Residential          |
| 8-10           | R-1T        | Townhouse Residential              |
| 8-11           | R-2         | Two-Family Residential             |
| 8-12           | R-3         | Planned Neighborhood Residential   |
| 8-13           | R-4         | High Density Apartment             |
| 8-14           | R-5         | High Rise Apartment                |
| 8-15           | P-1         | Professional Office                |
| 8-16           | B-1         | Neighborhood Business              |
| 8-17           | B-2         | Downtown Business                  |
| 8-18           | B-2A        | Downtown Frame Business            |
| 8-19           | B-2B        | Lexington Center Business          |
| 8-20           | B-3         | Highway Service Business           |
| 8-21           | B-4         | Wholesale and Warehouse Business   |
| 8-22           | I-1         | Light Industrial                   |
| 8-23           | I-2         | Heavy Industrial                   |
| 8-24           | P-2         | Office, Industry and Research Park |



## **8-1 AGRICULTURAL RURAL (A-R) ZONE**

**8-1(a) Intent** - This zone is established to preserve the rural character of the agricultural service area by promoting agriculture and related uses, and by discouraging all forms of urban development except for a limited amount of conditional uses.

**8-1(b) Principal Uses** (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Land used solely for agricultural purposes, including small farm wineries, as outlined in KRS 100.
2. Single family detached dwellings.

**8-1(c) Accessory Uses** (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Accessory uses in connection with agriculture, farming, dairying, stock raising or similar uses, such as agricultural structures; stables; and parking areas, provided all yard requirements for a principal residence are met.
2. Those specific agricultural uses outlined in KRS 100 that are incidental only to a small farm winery licensed as such by the Commonwealth of Kentucky, such as the manufacture and bottling of wines; tasting rooms for the purpose of serving complimentary samples; sale by the drink or bottle, either on or off premises; and sale and shipment of wine, either wholesale or retail.
3. Home offices and home occupations.
4. Temporary roadside stands offering for sale only agricultural products grown on the premises.
5. Keeping of not more than two (2) roomers or boarders by a resident family.
6. Non-commercial recreational facilities, such as baseball fields; soccer fields; polo fields; swimming pools; tennis courts and the like.
7. Private garages, storage sheds, parking lots, and private farm vehicle fueling facilities.
8. Living quarters, without kitchen facilities and not used for rental purposes, for guests and employees of the premises.
9. Satellite dish antennas, as regulated in Article 15-8.
10. Family child care for up to six (6) children, provided that the total number of children living or being cared for on the premises shall not exceed six (6).
11. Mobile homes, as provided in Article 10.
12. Tenant homes, provided all yard requirements for a principal residence are met.

**8-1(d) Conditional Uses** (Permitted only with Board

of Adjustment approval.)

1. Horse race tracks with allotted race meets, including accessory simulcast facilities, accessory restaurants and/or the serving of alcoholic beverages, and horse riding and training facilities.
2. Horse sales establishments.
3. Hospitals for large animals, including equine hospitals.
4. Plant nurseries.
5. Commercial greenhouses, but only when all the following conditions are met:
  - a. A 20-foot wide landscape easement shall be provided around all buildings and parking areas or at the perimeter of the tract of land, containing one tree per thirty (30) feet of length or fraction thereof, plus a continuous 6-foot high planting, hedge, fence, wall or earth mound. Plantings shall be both deciduous and non-deciduous. A detailed site plan showing proposed screening shall be provided, and a performance bond or letter of credit shall be posted with the Division of Building Inspection to ensure completion of screening. New screening shall not be required to be planted when existing screening is substantially similar to the screening mentioned above.
  - b. No structure shall be built within three hundred (300) feet of any existing residential structure on another lot under different ownership, and driveways shall be one hundred (100) feet from property lines.
  - c. There shall be no outdoor display or sale of fungicides, insecticides, chemicals, peat moss, humus, mulches or fertilizer.
  - d. No commercial greenhouse shall be located within a floodplain.
  - e. The commercial greenhouse shall be located where easily accessible by arterial roads. All roads to the site should be of sufficient width and constructed to safely handle all sizes of trucks. The Board shall review the location of access points to ensure that no traffic hazards are created.
  - f. All driveways and parking areas shall be paved or sealed to prevent dust.
6. Commercial composting, but only when the following conditions are met:
  - a. That only the open windrow or static pile method of aerobic processing using plant material, soils and animal manure, be permitted.
  - b. That a permit-by-rule or letter of intent from the Division of Waste Management of the Kentucky Natural Resources and Environmental Protection Cabinet be obtained prior to submission of any application to the Board of Adjustment for a conditional use permit.
  - c. That no commercial composting operation be conducted closer than one thousand (1,000) feet to any existing residence.
  - d. That a development plan indicating access points and circulation routes, proposed signage, screening

- and landscaping, fencing and other significant geological or physical features of the property be submitted as part of any application.
- e. That the Board specifically consider and be able to find that the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic or dust.
7. Agricultural market, but only when the following conditions are met:
- a. The minimum lot size shall be forty (40) acres and shall not be located in A-R zoned land within the Urban Service Area of Lexington-Fayette County.
  - b. The property shall be within one (1) mile of an interstate interchange with a state or federal highway, excluding the two interchanges of Interstate 64 with Interstate 75. The property must also have frontage on a state or federal highway, and access is also to be within one (1) mile of the point of intersection of the centerlines of the interchange, and subject to approval by the Kentucky Transportation Cabinet.
  - c. All roads to the property shall be of sufficient width, and constructed to safely handle all sizes of trucks when fully loaded during all weather conditions.
  - d. The facility shall be at least one thousand (1,000) feet from any property in a residential zone, any property designated as a Rural Settlement (RS) or as an Existing Rural Residential (ERR) land use under the adopted Comprehensive Plan, and any property designated on the National Register of Historic Places. As used herein, "facility" shall mean all improvements, including parking and loading areas, but not including driveways for ingress and egress to the property.
  - e. Improvements such as buildings; barns; and other structures, including storm water detention basins, truck parking and loading areas; above-ground and underground storage tanks and septic sewage disposal systems shall be located outside of any environmentally sensitive area, including any wellhead protection area.
  - f. All sales and marketing of livestock shall take place in a completely enclosed facility, and no building may be located closer than one thousand (1,000) feet from a residence on a lot under different ownership; provided, however, that all pre-sale and post-sale handling of livestock shall take place under roof in a facility enclosed by a combination of fences and gates in order to secure the livestock while allowing adequate ventilation and air circulation.
  - g. There shall be provision for the treatment and/or disposal of waste generated on the site, subject to all applicable local, state and federal requirements. Muck piles or the spreading of animal waste upon any part of the site shall be prohibited.
  - h. All parking areas and driveways shall be paved.
  - i. Any outdoor lighting proposed must be directed away from, and shielded from, adjacent agricultural and/or residential areas.
  - j. The facility shall be operated at all times in compliance with applicable federal, state and local laws and regulations, including those pertaining to noise, air and water quality.
  - k. Storm water management shall be provided pursuant to the requirements of the LFUCG Engineering Manuals, and storm water shall be treated appropriately prior to its discharge.
  - l. Screening shall be provided if the facility is visible from adjoining properties. Such screening and buffering shall be designed so as to minimize the impact of air, noise, odor and/or light generated by the facility upon adjoining properties to the greatest extent practicable. Article 18 of the Zoning Ordinance shall be used to guide the planting of the screening of loading docks and vehicular use areas, but the Board of Adjustment may impose additional screening requirements and landscape buffers, as necessary.
  - m. There shall be a minimum of forty-five percent (45%) of the lot, regardless of size, provided as open space, which may not be varied by the Board of Adjustment.
  - n. The following accessory uses may also be permitted in conjunction with the operation of an agricultural market, provided that the aggregate of these uses may not exceed twenty-five percent (25%) of the total square footage of buildings on the property, or 40,000 square feet, whichever is less; and, except as otherwise provided, shall be located in the principal structure on the property, provided they are operated primarily for the benefit of patrons and employees of the agricultural market; provided that no signs identifying such uses are visible from the right-of-way; and provided that all such uses are clearly identified on the site plan submitted to the Board of Adjustment:
    - 1) Accessory offices for banking, insurance and financial institutions;
    - 2) Meeting rooms, not to exceed five percent (5%) of the total floor area;
    - 3) One (1) coffee shop or restaurant, not to exceed 5,000 square feet, or five percent (5%) of the total floor area, whichever is less;
    - 4) Loading docks;
    - 5) State and federal government offices related to agriculture;
    - 6) Veterinary clinic, including the sale of livestock pharmaceutical supplies;
    - 7) One (1) dwelling unit for owners, operators or

- employees; and one (1) dwelling unit for watchmen or caretakers, which dwelling units may be separate structures;
- 8) Retail sale of agricultural products, supplies and related items, including the acceptance of orders for bulk agricultural supplies, with no on-site storage of such supplies, not to exceed 5,000 square feet;
  - 9) Sale of agricultural products produced on the premises;
  - 10) Livestock and grain commodity trading office;
  - 11) Display area for farm machinery/equipment, provided that no on-site sales shall be permitted.
- o. A detailed development plan, indicating access points, including construction and circulation routes; parking areas; lighting; screening and landscaping; proposed improvements; accessory uses; detention areas; signage; fencing and other significant physical or geological features of the property shall be submitted as part of any application.
  - p. One free standing sign per street frontage may be permitted, limited to the agricultural market and not any use accessory thereto, with a maximum of two (2) signs, not exceeding 50 square feet in area and 20 feet in height. In addition to any free standing sign, wall-mounted signs may also be permitted, not to exceed a total of five percent (5%) of the wall area to which they are attached; provided the signs are for the agriculture market and not for the purposes of identification of any use accessory thereto. Signs may only be non-illuminated or indirectly illuminated.
  - q. An operational plan shall also be submitted that outlines:
    - 1) Provisions for animal and/or product waste disposal, including grease, subject to all applicable local, state and federal requirements.
    - 2) Provisions for sewage disposal, maintaining air and water quality, and odor management.
    - 3) Hours of operation, and anticipated hours for truck deliveries and truck shipments.
    - 4) Routing of trucks on the site, including truck stacking, parking and loading areas.
    - 5) Protection measures proposed for any environmentally sensitive area located on the site, including any wellhead protection area.
    - 6) Existing and proposed utilities.
  - r. The Board of Adjustment shall specifically consider and be able to find that the proposed use will not constitute a nuisance by creating excessive noise, water pollution, traffic, dust or other public health hazards.
  - s. The Board of Adjustment shall review all accessory uses approved as part of an application, on an annual basis, to ensure that such uses are operating in compliance with the restrictions set forth herein, and with any additional restrictions and/or conditions imposed by the Board. The Board may modify or revoke its approval of an accessory use if it finds, based upon the evidence, that such accessory use has been operated in violation of this Ordinance or any conditions or restrictions imposed by the Board.
- 7) Where appropriate, a Kentucky No Discharge Operational Permit (KNDOP), or other appropriate permit from the Kentucky Division of Water may be required as part of the approval of an Operational Plan.
- 8) Any other pertinent information to indicate clearly the orderly operation proposed.

For any of the following conditional uses established after January 26, 1995, a total of 10,000 square feet shall be the maximum allowable for all structures proposed for such uses.

8. Cemeteries, crematories, columbariums, mausoleums, including animal burial grounds.
9. Rehabilitation homes.
10. Non-service facilities of public utilities and common carriers by rail, including office, garage, and warehouse space when not incidental to a service facility as provided in KRS 100.324.
11. Commercial and non-commercial outdoor recreational facilities (without outdoor lighting, loud speakers, retail sales of merchandise, restaurants or food service, and the like), including zoological gardens, sportsmen's farms (including outdoor rifle and other firearm ranges), native animal game preserves, outdoor rodeos, hunting and trapping, riding stables, campgrounds, and fishing lakes, including private clubs for only these uses.
12. Commercial and non-commercial outdoor recreational facilities (excluding golf courses), with outdoor lighting; but without loud speakers, retail sales of merchandise, restaurants or food service, and the like; but only when located immediately adjacent to the Blue Sky Rural Activity Center defined in the adopted Comprehensive Plan.
13. Extraction of crude petroleum or natural gas and mining of metal, anthracite, lignite or bituminous coal.
14. Mining and/or quarrying of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to

find:

- a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
  - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
  - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
15. Airports, including accessory restaurants and/or the serving of alcoholic beverages.
  16. Radio, telephone or television transmitting or relay facilities, including line-of-sight relays and towers, except as permitted by KRS 100.324, and only under the following conditions:
    - a. Such facilities shall be operated at all times in compliance with applicable Federal, State, and local laws and regulations, including all standards of the Federal Aviation Administration and the Federal Communications Commission.
    - b. No transmitting or relay tower shall be located closer than the height of the tower from another lot under different ownership, or any public or private street or highway, unless the tower is constructed to withstand a minimum wind speed of one hundred (100) miles per hour.
    - c. The plans of tower construction shall be certified by an engineer registered in the State of Kentucky.
    - d. All towers shall be equipped with an anti-climbing device or fence to prevent unauthorized access.
  17. Kindergartens and nursery schools for four (4) and not more than twelve (12) children, only when accessory to a residential use. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
  18. Family child care for seven (7) and not more than twelve (12) children, provided that the total number of children living or being cared for on the premises shall not exceed twelve (12). A fenced outdoor play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
  19. Churches, Sunday schools and parish houses, provided that churches may be allowed an additional 10,000 square feet of building over and above their existing square footage, provided that the church structure(s) existed or the church had approval of the Board of Adjustment and the church owned 20 or more contiguous acres prior to the adoption of the Rural Land Management Plan on April 8, 1999.
  20. Schools for academic instruction, including accessory dormitories.
  21. Kindergartens, nursery schools and child care centers for four (4) or more children when accessory to a church or school, as permitted herein. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
  22. Concrete mixing, but only when associated with mining or quarrying operations which comply with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein, and only under the following conditions:
    - a. That no concrete mixing and/or asphalt plant operation be conducted closer than one thousand (1,000) feet from any existing residence on another lot under different ownership.
    - b. Noise, Air & Water Quality - The facility shall be operated at all times in compliance with applicable Federal, State and local laws and regulations on noise, air, and water quality, including the LFUCG Noise Ordinance (Sections 14-70 through 14-80), Article 6-7: Stormwater Disposal Standards, and Chapter 16 of the Code of Ordinances.
    - c. Development Plan - The development plan shall indicate all existing contours, shown with intervals sufficient to show existing drainage courses, retention, storm water and sedimentation basins; and the names and locations of all streams, creeks, or other bodies of water within five hundred (500) feet.
    - d. Drainage and Erosion Control - The facility shall have adequate drainage, erosion, and sediment control measures incorporated in the site/development plan(s). If, in the event adequate drainage, erosion, and sediment control cannot be provided, permits may be denied.
    - e. Roads - All access roads that intersect with a State highway or public street shall be paved with an all-weather surface of either asphalt or concrete for the entire length of road from State highway or street to the active loading point. Internal roads may be unpaved, provided dust is adequately controlled.
    - f. Screening - Screening shall be provided as defined in accordance with LFUCG Article 18 of the Zoning Ordinance.
    - g. Transportation Plan - A Transportation Plan shall be planned (in relationship to the arterial roadway system) to minimize the impact of traffic, dust, and vehicle noise on areas outside the site and shall include the following information:
      - 1) Product shipping and deliveries;
      - 2) Mode of transportation;
      - 3) Route(s) to and from site;
      - 4) Schedule and frequency of shipments;
      - 5) Delivery and shipping spillage control methods;

- 6) Employee parking.
  - h. Storage - Storage and/or stockpiles of hazardous materials shall be in a completely closed building. Outdoor storage, except aggregate, sand and recycled asphalt material, shall be enclosed on at least three sides by a solid wall or fence, not less than six (6) feet nor greater than eight (8) feet in height, and shall be placed at designated site(s) on the development plan. At the cessation of operation, all storage piles and/or stockpiles shall either be removed or graded and covered with a minimum of 18 inches of topsoil and/or other soil-making materials, and planted in accordance with Article 18 of the Zoning Ordinance.
  - i. Excess Product and Waste - Excess product and waste, when disposed of on site, shall be in a designated area so as to prevent erosion and contamination of streams and waterways. At the cessation of operation, all outdoor storage piles and/or stockpiles shall either be removed or graded and covered with a minimum of 18 inches of topsoil and/or other soil-making materials, and planted in accordance with Article 18 of the Zoning Ordinance.
23. Asphalt plant, but only when associated with mining and/or quarrying which comply with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein, and only under the following conditions:
- a. That no asphalt plant operation be conducted closer than one thousand (1,000) feet from any existing residence on another lot under different ownership.
  - b. Noise, Air & Water Quality - The facility shall be operated at all times in compliance with applicable Federal, State, and local laws and regulations on noise, air, and water quality, including the LFUCG Noise Ordinance (Sections 14-70 through 14-80), Article 6-7: Stormwater Disposal Standards, and Chapter 16 of the Code of Ordinances.
  - c. Development Plan - The development plan shall indicate all existing contours, shown with intervals sufficient to show existing drainage courses, retention, stormwater and sediment basins; and the names and locations of all streams, creeks, or other bodies of water within five hundred (500) feet.
  - d. Drainage and Erosion Control - The facility shall have adequate drainage, erosion, and sediment control measures incorporated in the site/development plan(s). If, in the event adequate drainage, erosion, and sediment control cannot be provided, permits may be denied.
  - e. Roads - All access roads that intersect with a State highway or public street shall be paved with an all-weather surface of either asphalt or concrete for the entire length of road from State highway or street to the active loading point. Internal roads may be unpaved, provided dust is adequately controlled.
  - f. Screening - Screening shall be provided as defined in accordance with LFUCG Article 18 of the Zoning Ordinance.
  - g. Transportation Plan - A Transportation Plan shall be planned (in relationship to the arterial roadway system) to minimize the impact of traffic, dust, and vehicle noise on areas outside the site and shall include the following information:
    - 1) Product shipping and deliveries;
    - 2) Mode of transportation;
    - 3) Route(s) to and from the site;
    - 4) Schedule and frequency of shipments;
    - 5) Delivery and shipping spillage control methods;
    - 6) Employee parking.
  - h. Storage - Storage and/or stockpiles of hazardous materials shall be in a completely closed building. Outdoor storage, except aggregate, sand and recycled asphalt material, shall be enclosed on at least three sides by a solid wall or fence, not less than six (6) feet nor greater than eight (8) feet in height, and shall be placed at designated site(s) on the development plan. At the cessation of operation, all storage piles and/or stockpiles shall either be removed or graded and covered with a minimum of 18 inches of topsoil and/or other soil-making materials, and planted in accordance with Article 18 of the Zoning Ordinance.
  - i. Excess Product and Waste - Excess product and waste, when disposed of on site, shall be in a designated area so as to prevent erosion and contamination of streams and waterways. At the cessation of operation, all outdoor storage piles and/or stockpiles shall either be removed or graded and covered with a minimum of 18 inches of topsoil and/or other soil-making materials, and planted in accordance with Article 18 of the Zoning Ordinance.
24. Commercial woodlots, but only when the following conditions are met:
- a. A 50-foot open space area shall be required from the perimeter of the tract of land.
  - b. No commercial woodlot shall be located within four hundred (400) feet of any residential structure on another lot under different ownership, and driveways shall be a minimum of one hundred (100) feet from property lines.
  - c. A 20-foot wide landscape buffer area shall be provided around all commercial woodlots or at

- the perimeter of the tract of land, containing one tree per thirty (30) feet of length or fraction thereof, plus a continuous 6-foot high planting hedge, fence, wall or earth mound. New screening shall not be required to be planted when existing screening is substantially similar to the screening mentioned above.
- d. There shall be no storage or sale of wood chips, peat moss, humus, mulches or fertilizer, nor sale to the public of firewood at the site.
  - e. No commercial woodlot shall be located within a floodplain or sinkhole.
  - f. Commercial woodlots shall be located where easily accessible by Federal or State highways. All roads to site should be of sufficient width and constructed to safely handle all sizes of trucks. The Board shall review the location of access points to ensure that no traffic hazards are created.
  - g. All driveways and parking areas shall be paved or sealed to prevent dust.
  - h. Wood shall be stored in rows no greater than ten (10) feet in height, no greater than twenty (20) feet in width, and spaced no less than fifteen (15) feet apart.
  - i. Cutting and splitting of timber shall not occur in the 50-foot open space area of the site, and only between the hours of 8:00 a.m. - 5:00 p.m.
  - j. The Board of Adjustment shall specifically consider and be able to find that the proposed use will not constitute a public nuisance by creating excessive noise, water pollution, traffic, dust or other public health hazards.
  - k. No signage shall be permitted on the premises.
  - l. Woodlots shall comply with all applicable Federal and State laws.
25. Bed and breakfast facilities, limited to the rental of not more than five (5) rooms per property, provided that no use permitted under this section shall be located less than one (1) mile, as measured from the facility, from another use permitted under this section. The Board of Adjustment, in considering approval of such conditional use, shall consider and make a finding that the number of rooms granted shall not have an adverse effect on surrounding properties. In addition, in considering such a conditional use, the Board of Adjustment shall take into consideration the number of bed and breakfast facilities, if any, within the general neighborhood of the property being considered for such use.
  26. Expansion of golf courses in existence or approved as of January 26, 1995 (including private clubs) with or without driving ranges, including the accessory retail sale of golf-related merchandise, and including an accessory restaurant and/or food service with or without the serving of alcoholic beverages. This use shall not be conducted in conjunction with more than one single family detached dwelling.
  27. Any uses that are clearly incidental and subordinate to a small farm winery operation licensed as such by the Commonwealth of Kentucky, other than those specifically outlined in KRS 100, and permitted by Article 8-1(c)(2), which may include special events with or without live entertainment or a small bistro/restaurant of up to (2) seats per 1,000 gallons of wine, brandies and cordials produced or compounded on site per year. For special events, documentation shall be provided that arrangements have been made with the LFUCG Division of Fire and Emergency Services for approval of fire suppression and control; that Fayette County Health Department approval has been obtained for the septic system and/or portable toilets; that Fayette County Health Department approval has been obtained for any food services offered, whether it be provided on site or catered for each event; and that approval be obtained from the Division of Building Inspection for any temporary structures used (i.e., tents).
  28. Historic House Museum operated by a governmental entity or by a private, non-profit entity that has Internal Revenue Code Section 501(c)(3) status and that is a member of a recognized museum association such as the Kentucky Museum and Heritage Alliance, the American Association for State and Local History, the American Association of Museums, the Association of Living History, Farm and Agricultural Museums and/or Southeastern Museum Conference; provided, however, that the house shall not be expanded beyond its current or documented historic footprint, and all activities and events shall relate to the educational mission of the governmental or non-profit entity.
- 8-1(e) Prohibited Uses (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)
1. Establishments for the processing of crude petroleum, natural gas, or oil shale.
  2. Disposal of garbage and refuse, transfer stations.
  3. Multi-family, two-family or townhouse dwelling units.
  4. Retail sales or services, wholesale, or warehouse uses, except as provided herein.
  5. Offices and institutional uses.
  6. Commercial recreational facilities, such as amusement parks; bowling alleys; skating rinks; pool or



- billiard halls; establishments with coin-operated pool or billiard tables, or outdoor theaters.
7. Hotels, motels, boarding or lodging houses.
  8. Manufacturing, compounding, assembling, processing and packaging and other industrial uses.
  9. Automobile race tracks.
  10. Garden centers, except those activities specifically allowed under the definition of commercial green-houses and plant nurseries.
  11. Major or minor automobile and truck repair.
  12. Automobile service stations.
  13. Storage, except as permitted herein.
  14. Junk yards.
  15. Sale of new or used merchandise, except as provided herein.
  16. Slaughterhouses.
  17. Penal or correctional institutions.
  18. Sawmills.
  19. Commercial kennels.
  20. Hospitals, nursing homes, rest homes, orphanages, community residences.
  21. Sewage disposal plants.
  22. Fraternity and sorority houses.
  23. Private clubs, including accessory restaurants and/or the serving of alcoholic beverages, except as permitted herein.
  24. Adult entertainment establishments or other similar adult uses.

Lot, Yard and Height Requirements (See Articles 3 and 15 for additional regulations.)

8-1(f) Minimum Lot Size - Forty (40) acres, except as noted in 8-1(o)(1) below.

8-1(g) Minimum Lot Frontage - 750', except as noted in 8-1(o)(1) below.

8-1(h) Minimum Front Yard - 300' from the right-of-way line, except for the following:

- (1) Lots which have principal permitted residential structures less than 300' from the right-of-way line; then the minimum front yard shall be coincident with the existing front yard, or 50', whichever is greater;
- (2) Lots which were created by subdivision plats recorded prior to January 26, 1995 shall have the minimum front yard coincident with the platted building line, or 50', whichever is greater;
- (3) Existing lots less than 350' in lot depth shall have the minimum front yard coincident with the platted building line, or 50', whichever is greater.

8-1(i) Minimum Each Side Yard - 25 feet.

8-1(j) Minimum Rear Yard - 25 feet.

8-1(k) Minimum Useable Open Space - No limitation.

8-1(l) Maximum Lot Coverage - No limitation.

8-1(m) Maximum Height of Building - 35 feet, except for buildings devoted solely to agricultural uses, then no limitation.

8-1(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Bed and Breakfast Facilities - One space per room rented other than the first room.

Churches and Sunday Schools - One (1) space for each five (5) seats in the main auditorium, with a minimum of five (5) spaces.

Commercial Greenhouses - Provided there are sales to the public on the premises, one (1) space per employee, and ten (10) additional spaces, plus one (1) additional space per four hundred (400) square feet of total floor area, up to five thousand (5,000) square feet of total floor area. Parking spaces not required to be paved, but must be durable and dustless.

Non-Commercial Outdoor Athletic Facilities, including Baseball Fields; Soccer Fields; Outdoor Rodeos - One (1) space for every five (5) spectator seats, or one for every three active participants in the sport, whichever is greater.

Commercial and Non-Commercial Riding Stables, Fishing Lakes, Campgrounds, Sportsmen's Farms, Zoological Gardens, and Non-Commercial Recreational Facilities not otherwise stated herein - Five (5) spaces, plus one (1) space for each employee for each separate use.

Dormitories - Five (5) spaces, plus one (1) space for every five (5) beds.

Dwelling Units - One (1) parking space per dwelling unit.

Elementary and Junior High Schools - One (1) space for every fifteen (15) seats in the main auditorium; or one (1) space for every classroom, plus one (1) space for each employee, whichever is greater.

All Other Schools for Academic Instruction - One (1) space for each five (5) classroom seats, or one space for each five (5) seats in the main auditorium, whichever is greater.

Equine Hospitals or Large Animal Hospitals - One (1) space per four hundred (400) square feet of floor area, with a minimum of five (5) spaces; but not including any barns.

Golf Courses - Three (3) spaces for every hole on the main course.

Golf Driving Ranges - One (1) space per driving tee; plus one (1) space per employee, with a minimum of five (5) spaces.

Horse Race Tracks - One (1) space per five (5) seats, plus one (1) space for every three (3) employees.

Rehabilitation Homes - One (1) space for each three (3) beds; plus one (1) space for each employee on the maximum shift, with a minimum of five (5) spaces.

Kindergartens, Nursery Schools, Child Care Centers and Family Child Care for seven (7) or more children - Three (3) spaces for the first twelve (12) children, plus one space for every ten (10) (or fraction thereof) additional children.

Private Clubs - One (1) space for every four (4) members.

Small Farm Winery Restaurant/Bistro - One (1) space for every six (6) seats in the restaurant/bistro.

Conditional Uses - Parking requirements stated herein for conditional uses are minimum requirements; the Board of Adjustment may establish additional requirements, as needed. For any conditional use not otherwise stated herein: one (1) space per employee, with a minimum of five (5) spaces.

Combinations - Combined uses shall provide parking equal to the sum of the individual requirements.

#### 8-1(o) Special Provisions

1. Existing single family residential structures containing, at a minimum, running water; indoor plumbing; and electricity; and which has been legally occupied at any time within six months of the date of the adoption of this section, may be subdivided from its parent tract on a 10-acre minimum lot with a minimum of 250' of lot frontage, provided that the remaining parent tract has a minimum of 40 acres, and at least 250' of frontage on an existing road; or approved access as provided for in Article 6-8(1) of the Land Subdivision Regulations. The provisions of this section shall expire three years from the date of its adoption.

## **8-2 AGRICULTURAL BUFFER (A-B) ZONE**

**8-2(a) Intent** - This zone is established to preserve the rural character of the agricultural service area by establishing agricultural land that can serve as buffer areas between urban uses and agricultural land, and between land outside Fayette County and agricultural uses. It is the intent of this zone to provide separation between conflicting uses by requiring appropriate landscaping, fencing, and compatible uses. The Land Use Element of the Comprehensive Plan shall be used to determine the appropriate location for the Agricultural Buffer (A-B) zone.

**8-2(b) Principal Uses** (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Land used solely for agricultural purposes, including small farm wineries, as outlined in KRS 100.
2. Single family detached dwellings.

**8-2(c) Accessory Uses** (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Accessory uses in connection with agriculture, farming, dairying, stock raising or similar uses, such as agricultural structures; stables; and parking areas, provided all yard requirements for a principal residence are met.
2. Those specific agricultural uses outlined in KRS 100 that are incidental only to a small farm winery licensed as such by the Commonwealth of Kentucky, such as the manufacture and bottling of wines; tasting rooms for the purpose of serving complimentary samples; sale by the drink or bottle, either on or off premises; and sale and shipment of wine, either wholesale or retail.
3. Home offices and home occupations.
4. Temporary roadside stands offering for sale only agricultural products grown on the premises.
5. Keeping of not more than two (2) roomers or boarders by a resident family.
6. Non-commercial recreational facilities, such as baseball fields; soccer fields; polo fields; swimming pools; tennis courts and the like.
7. Private garages, storage sheds, parking lots, and private farm vehicle fueling facilities.
8. Living quarters, without kitchen facilities and not used for rental purposes, for guests and employees of the premises.
9. Satellite dish antennas, as regulated in Article 15-8.
10. Family child care for up to six (6) children, provided that the total number of children living or being cared for on the premises shall

not exceed six (6).

11. Mobile homes, as provided in Article 10.
12. Tenant homes, provided all yard requirements for a principal residence are met.

**8-2(d) Conditional Uses** (Permitted only with Board of Adjustment approval.)

1. Hospitals for large animals, including equine hospitals.
2. Plant nurseries.

For any of the following conditional uses established after January 26, 1995, except where the A-B zone is adjacent to the county boundary, and the property is a minimum of 10 acres and has frontage on a state highway, a total of 10,000 square feet shall be the maximum allowable for all structures proposed for such uses.

3. Cemeteries, crematories, columbariums, mausoleums, including animal burial grounds.
4. Rehabilitation homes.
5. Non-service facilities of public utilities and common carriers by rail, including office, garage, and warehouse space when not incidental to a service facility as provided in KRS 100.324.
6. Commercial and non-commercial outdoor recreational facilities (without outdoor lighting, loud speakers, retail sales of merchandise, restaurants or food service, and the like). including zoological gardens; sportsmen's farms (including outdoor rifle and other firearm ranges); native animal game preserves; outdoor rodeos; hunting and trapping; riding stables; campgrounds; and fishing lakes; including private clubs for only these uses.
7. Extraction of crude petroleum or natural gas and mining of metal, anthracite, lignite or bituminous coal.
8. Mining and/or quarrying of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
  - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
  - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
  - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
9. Radio, telephone or television transmitting or relay facilities, including line-of-sight relays and towers, except as permitted by KRS 100.324, and only under the following conditions:
  - a. Such facilities shall be operated at all times in

- compliance with applicable Federal, State, and local laws and regulations, including all standards of the Federal Aviation Administration and the Federal Communications Commission.
- b. No transmitting or relay tower shall be located closer than the height of the tower from another lot under different ownership, or any public or private street or highway, unless the tower is constructed to withstand a minimum wind speed of one hundred (100) miles per hour.
  - c. The plans of tower construction shall be certified by an engineer registered in the State of Kentucky.
  - d. All towers shall be equipped with an anti-climbing device or fence to prevent unauthorized access.
10. Kindergartens and nursery schools for four (4) and not more than twelve (12) children, only when accessory to a residential use. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
  11. Family child care for seven (7) and not more than twelve (12) children, provided that the total number of children living or being cared for on the premises shall not exceed twelve (12). A fenced outdoor play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
  12. Churches, Sunday schools, and parish houses.
  13. Schools for academic instruction, including accessory dormitories.
  14. Kindergartens, nursery schools and child care centers for four (4) or more children when accessory to a church or school, as permitted herein. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
  15. Bed and breakfast facilities, limited to the rental of not more than five (5) rooms per property, provided that no use permitted under this section shall be located less than one (1) mile, as measured from the facility, from another use permitted under this section. The Board of Adjustment, in considering approval of such conditional use, shall consider and make a finding that the number of rooms granted shall not have an adverse effect on surrounding properties. In addition, in considering such a conditional use, the Board of Adjustment shall take into consideration the number of bed and breakfast facilities, if any, within the general neighborhood of the property being considered for such use.
  16. Any uses that are clearly incidental and subordinate to a small farm winery operation licensed as such by the Commonwealth of Kentucky, other than those specifically

outlined in KRS 100, and permitted by Article 8-1(c)(2), which may include special events with or without live entertainment or a small bistro/restaurant of up to two (2) seats per 1,000 gallons of wine, brandies and cordials produced or compounded on site per year. For special events, documentation shall be provided that arrangements have been made with the LFUCG Division of Fire and Emergency Services for approval of fire suppression and control; that Fayette County Health Department approval has been obtained for the septic system and/or portable toilets; that Fayette County Health Department approval has been obtained for any food services offered, whether it be provided on site or catered for each event; and that approval be obtained from the Division of Building Inspection for any temporary structures used (i.e., tents).

8-2(e) Prohibited Uses (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. Establishments for the processing of crude petroleum, natural gas, or oil shale.
2. Disposal of garbage and refuse, transfer stations.
3. Multi-family, two-family or townhouse dwelling units.
4. Retail sales or services, wholesale, or warehouse uses, except as provided herein.
5. Offices and institutional uses.
6. Commercial recreational facilities, such as amusement parks; bowling alleys; skating rinks; pool or billiard halls; establishments with coin-operated pool or billiard tables, or outdoor theaters.
7. Hotels, motels, boarding or lodging houses, except bed and breakfast facilities permitted herein.
8. Manufacturing, compounding, assembling, processing and packaging and other industrial uses.
9. Automobile race tracks.
10. Garden centers, commercial greenhouses and plant nurseries.
11. Major or minor automobile and truck repair.
12. Automobile service stations.
13. Storage, except as permitted herein.
14. Junk yards.
15. Sale of new or used merchandise, except as provided herein.
16. Stockyards and slaughtering of animals.
17. Penal or correctional institutions.
18. Sawmills.
19. Commercial kennels.
20. Hospitals, nursing homes, rest homes, orphanages, community residences.
21. Sewage disposal plants.
22. Fraternity and sorority houses.
23. Private clubs, including accessory restaurants and/or the serving of alcoholic beverages, except as

- permitted herein.
24. Horse race tracks.
  25. Veterinarian offices.
  26. Commercial composting.
  27. Airports.
  28. Concrete mixing and asphalt plants.
  29. Commercial woodlots.
  30. Golf courses.
  31. Adult entertainment establishments or other similar adult uses.

Lot, Yard and Height Requirements (See Articles 3 and 15 for additional regulations.)

8-2(f) Minimum Lot Size - Ten (10) acres.

8-2(g) Minimum Lot Frontage - 250 feet.

8-2(h) Minimum Front Yard - 300' from the right-of-way line, except for the following:

- (1) Lots which have principal permitted residential structures less than 300' from the right-of-way line; then the minimum front yard shall be coincident with the existing front yard, or 50', whichever is greater;
- (2) Lots which were created by subdivision plats recorded prior to January 26, 1995 shall have the minimum front yard coincident with the platted building line, or 50', whichever is greater;
- (3) Existing lots less than 350' in lot depth shall have the minimum front yard coincident with the platted building line, or 50', whichever is greater.

8-2(i) Minimum Each Side Yard - 50 feet.

8-2(j) Minimum Rear Yard - 100 feet.

8-2(k) Minimum Useable Open Space - No limitation.

8-2(l) Maximum Lot Coverage - No limitation.

8-2(m) Maximum Height of Building - 35 feet, except for buildings devoted solely to agricultural uses, then no limitation.

8-2(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Bed and Breakfast Facilities - One space per room rented other than the first room.

Churches and Sunday Schools - One (1) space for each five (5) seats in the main auditorium, with a minimum of five (5) spaces.

Non-Commercial Outdoor Athletic Facilities,

including Baseball Fields; Soccer Fields; Outdoor Rodeos - One (1) space for every five (5) spectator seats, or one for every three active participants in the sport, whichever is greater.

Commercial and Non-Commercial Riding Stables, Fishing Lakes, Campgrounds, Sportsmen's Farms, Zoological Gardens, and Non-Commercial Recreation Facilities not otherwise stated herein - Five (5) spaces, plus one (1) space for each employee for each separate use.

Dormitories - Five (5) spaces, plus one (1) space for every five (5) beds.

Dwelling Units - One (1) parking space per dwelling unit.

Equine Hospitals or Large Animal Hospitals - One (1) space per four hundred (400) square feet of floor area, with a minimum of five (5) spaces; but not including any barns.

Rehabilitation Homes - One (1) space for each three (3) beds; plus one (1) space for each employee on the maximum shift, with a minimum of five (5) spaces.

Kindergartens, Nursery Schools, Child Care Centers and Family Child Care for seven (7) or more children - Three (3) spaces for the first twelve (12) children, plus one space for every ten (10) (or fraction thereof) additional children.

Private Clubs - One (1) space for every four (4) members.

Small Farm Winery Restaurant/Bistro - One (1) space for every six (6) seats in the restaurant/bistro.

Conditional Uses - Parking requirements stated herein for conditional uses are minimum requirements; the Board of Adjustment may establish additional requirements, as needed. For any conditional use not otherwise stated herein: one (1) space per employee, with a minimum of five (5) spaces.

Combinations - Combined uses shall provide parking equal to the sum of the individual requirements.

8-2(o) Special Provisions - For any development in an Agricultural Buffer Area (A-B) zone, the following provisions shall apply:

1. All Agricultural-Buffer Area (A-B) zone developments shall provide a fenced buffer yard along the boundary of the development with land recommended for Natural Areas and Core Agricultural and Rural Land in the Comprehensive Plan. In order to prevent the growth of plants that may be toxic to animals, the buffer yard shall be kept mowed and free of trees, shrubs and plants other than grasses. Existing vegetation may remain as specified under Article 6-3(b) of the Land Subdivision

Regulations. Buffer yards may, however, be used for utility installation and easements. Such buffer yard shall be the responsibility of the property owner in the A-B zone to install and to maintain, and shall consist of the following:

- a. A double row of standard gauge diamond-mesh wire fences, of durable construction, at least eight (8) feet apart, with one fence to be not less than fifty-two (52) inches high, set on 7½-foot posts, with a required 6-inch top board, to be placed closest to the A-B development; and the second fence to be not less than fifty-eight (58) inches high, set on 8-foot posts, with a required 6-inch top board, placed nearest the adjoining agricultural property; or
- b. A single, standard gauge, diamond mesh wire fence, of durable construction, not less than seventy-two (72) inches high, set on 9-foot posts, with a required 6-inch top board, with the mowed buffer yard to be eight (8) feet adjoining the fence; or
- c. Other buffer yard and fencing which achieves the intent of this section and which is agreed upon by the developer of the Agricultural Buffer Area and the adjoining agricultural property.

### **8-3 AGRICULTURAL NATURAL AREAS (A-N) ZONE**

**8-3(a) Intent** - This zone is established to preserve areas within the Rural Service Area that are physically unique, primarily due to their association with the Kentucky River and its tributaries. This area is characterized by steeper slopes, forested areas, and thinner/poorer soils, and is known as a habitat for rare and unusual flora and fauna. Because these lands are environmentally sensitive, special care is needed to ensure that the uses that are permitted are compatible with the goal of conservation and preservation of these lands. The Land Use Element of the Comprehensive Plan shall be used to determine the appropriate locations for the Agricultural Natural Areas (A-N) Zone.

**8-3(b) Principal Uses** (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Land used solely for agricultural purposes, including small farm wineries, as outlined in KRS 100.
2. Single family detached dwellings.

**8-3(c) Accessory Uses** (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Accessory uses in connection with agriculture, farming, dairying, stock raising or similar uses, such as agricultural structures; stables; and parking areas, provided all yard requirements for a principal residence are met.
2. Those specific agricultural uses outlined in KRS 100 that are incidental only to a small farm winery licensed as such by the Commonwealth of Kentucky, such as the manufacture and bottling of wines; tasting rooms for the purpose of serving complimentary samples; sale by the drink or bottle, either on or off premises; and sale and shipment of wine, either wholesale or retail.
3. Home offices and home occupations.
4. Temporary roadside stands offering for sale only agricultural products grown on the premises.
5. Keeping of not more than two (2) roomers or boarders by a resident family.
6. Non-commercial recreational facilities, such as baseball fields; soccer fields; polo fields; swimming pools; tennis courts and the like.
7. Private garages, storage sheds, parking lots, and private farm vehicle fueling facilities.
8. Living quarters, without kitchen facilities and not used for rental purposes, for guests and employees of the premises.
9. Satellite dish antennas, as regulated in Article

15-8.

10. Family child care for up to six (6) children, provided that the total number of children living or being cared for on the premises shall not exceed six (6).
11. Mobile homes, as provided in Article 10.
12. Tenant homes, provided all yard requirements for a principal residence are met.

**8-3(d) Conditional Uses** (Permitted only with Board of Adjustment approval.) For any of the following conditional uses established after January 26, 1995, a total of 10,000 square feet shall be the maximum allowable for all structures proposed for such uses. Prior to the approval of any conditional use containing environmentally sensitive land, such as flood hazard areas; areas of significant tree stands; sinkhole and karst areas; slopes exceeding 15%; "special natural protection" areas, as designated in the Comprehensive Plan; and stone fences, the applicant must prove, and the Board of Adjustment must find, that adequate safeguards will be in place to ensure the least negative impact on the land. This proof and finding shall extend to uses accessory to permitted conditional uses. In making its determination, the Board of Adjustment may require the submission of an environmental assessment prepared by a qualified professional.

1. Cemeteries, crematories, columbariums, mausoleums, including animal burial grounds.
2. Kindergartens and nursery schools for four (4) and not more than twelve (12) children, only when accessory to a residential use. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
3. Family child care for seven (7) and not more than twelve (12) children, provided that the total number of children living or being cared for on the premises shall not exceed twelve (12). A fenced outdoor play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
4. Churches, Sunday schools, and parish houses.
5. Kindergartens, nursery schools and child care centers for four (4) or more children when accessory to a church or school as permitted herein. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
6. Non-service facilities of public utilities and common carriers by rail, including office, garage, and warehouse space when not incidental to a service facility as provided in KRS 100.324.
7. Commercial and non-commercial outdoor recreational facilities (without outdoor lighting, loud speakers, retail sales of merchandise, restaurants or food service, and the like), including zoological gardens; sportsmen's farms (including outdoor rifle and other firearm ranges); native animal game preserves; outdoor rodeos; hunting and trapping; riding stables; campgrounds; and fishing lakes, including private clubs for only these uses.

8. Extraction of crude petroleum or natural gas and mining of metal, anthracite, lignite or bituminous coal.
  9. Mining and/or quarrying of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
    - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
    - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
    - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
  10. Radio, telephone or television transmitting or relay facilities, including line-of-sight relays and towers, except as permitted by KRS 100.324, and only under the following conditions:
    - a. Such facilities shall be operated at all times in compliance with applicable Federal, State, and local laws and regulations, including all standards of the Federal Aviation Administration and the Federal Communications Commission.
    - b. No transmitting or relay tower shall be located closer than the height of the tower from another lot under different ownership, or any public or private street or highway, unless the tower is constructed to withstand a minimum wind speed of one hundred (100) miles per hour.
    - c. The plans of tower construction shall be certified by an engineer registered in the State of Kentucky.
    - d. All towers shall be equipped with an anti-climbing device or fence to prevent unauthorized access.
  11. Bed and breakfast facilities, limited to the rental of not more than five (5) rooms per property, provided that no use permitted under this section shall be located less than one (1) mile, as measured from the facility, from another use permitted under this section. The Board of Adjustment, in considering approval of such conditional use, shall consider and make a finding that the number of rooms granted shall not have an adverse effect on surrounding properties. In addition, in considering such a conditional use, the Board of Adjustment shall take into consideration the number of bed and breakfast facilities, if any, within the general neighborhood of the property being considered for such use.
  12. Any uses that are clearly incidental and subordinate to a small farm winery operation licensed as such by the Commonwealth of Kentucky, other than those specifically outlined in KRS 100, and permitted by Article 8-1(c)(2), which may include special events with or without live entertainment or a small bistro/restaurant of up to two (2) seats per 1,000 gallons of wine, brandies and cordials produced or compounded on site per year. For special events, documentation shall be provided that arrangements have been made with the LFUCG Division of Fire and Emergency Services for approval for fire suppression and control; that Fayette County Health Department approval has been obtained for the septic system and/or portable toilets; that Fayette County Health Department approval has been obtained for any food services offered, whether it be provided on site or catered for each event; and that approval be obtained from the Division of Building Inspection for any temporary structures used (i.e., tents).
- 8-3(e) Prohibited Uses (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)
1. Establishments for the processing of crude petroleum, natural gas, or oil shale.
  2. Disposal of garbage and refuse, transfer stations.
  3. Multi-family, two-family or townhouse dwelling units.
  4. Retail sales or services, wholesale, or warehouse uses, except as provided herein.
  5. Offices and institutional uses.
  6. Commercial recreational facilities, such as amusement parks; bowling alleys; skating rinks; pool or billiard halls; establishments with coin-operated pool or billiard tables, or outdoor theaters.
  7. Hotels, motels, boarding or lodging houses, except bed and breakfast facilities permitted herein.
  8. Manufacturing, compounding, assembling, processing and packaging, and other industrial uses.
  9. Automobile race tracks.
  10. Garden centers, commercial greenhouses and plant nurseries.
  11. Major or minor automobile and truck repair.
  12. Automobile service stations.
  13. Storage, except as permitted herein.
  14. Junk yards.
  15. Sale of new or used merchandise, except as provided herein.
  16. Stockyards and slaughtering of animals.



17. Penal or correctional institutions.
18. Sawmills.
19. Commercial kennels.
20. Hospitals, nursing homes, rest homes, orphanages, community residences.
21. Sewage disposal plants.
22. Fraternity and sorority houses.
23. Private clubs, including accessory restaurants and/or the serving of alcoholic beverages, except as permitted herein.
24. Horse race tracks.
25. Veterinarian offices. including equine and large animal hospitals.
26. Commercial composting.
27. Airports.
28. Concrete mixing and asphalt plants.
29. Commercial woodlots.
30. Golf courses.
31. Adult entertainment establishments or other similar adult uses.

Lot, Yard and Height Requirements (See Articles 3 and 15 for additional regulations.)

8-3(f) Minimum Lot Size - Forty (40) acres.

8-3(g) Minimum Lot Frontage - 750'.

8-3(h) Minimum Front Yard - 300' from the right-of-way line, except for the following:

- (1) Lots which have principal permitted residential structures less than 300' from the right-of-way line; then the minimum front yard shall be coincident with the existing front yard, or 50', whichever is greater;
- (2) Lots which were created by subdivision plats recorded prior to January 26, 1995 shall have the minimum front yard coincident with the platted building line, or 50', whichever is greater;
- (3) Existing lots less than 350' in lot depth shall have the minimum front yard coincident with the platted building line, or 50', whichever is greater.

8-3(i) Minimum Each Side Yard - 50'.

8-3(j) Minimum Rear Yard - 100'.

8-3(k) Minimum Useable Open Space - No limitation.

8-3(l) Maximum Lot Coverage - No limitation.

8-3(m) Maximum Height of Building - 35', except for buildings devoted solely to agricultural uses, then no limitation.

8-3(n) Off-Street Parking (See Article 16 for

additional parking regulations.)

Bed and Breakfast Facilities - One space per room rented other than the first room.

Churches and Sunday Schools - One (1) space for each five (5) seats in the main auditorium, with a minimum of five (5) spaces.

Non-Commercial Outdoor Athletic Facilities, including Baseball Fields; Soccer Fields; Outdoor Rodeos - One (1) space for every five (5) spectator seats, or one for every three active participants in the sport, whichever is greater.

Commercial and Non-Commercial Riding Stables, Fishing Lakes, Campgrounds, Sportsmen's Farms, Zoological Gardens, and Non-Commercial Recreational Facilities not otherwise stated herein - Five (5) spaces, plus one (1) space for each employee for each separate use.

Dwelling Units - One (1) parking space per dwelling unit.

Kindergartens, Nursery Schools, Child Care Centers and Family Child Care for seven (7) or more children - Three (3) spaces for the first twelve (12) children, plus one space for every ten (10) (or fraction thereof) additional children.

Private Clubs - One (1) space for every four (4) members.

Small Farm Winery Restaurant/Bistro - One (1) space for every six (6) seats in the restaurant/bistro.

Conditional Uses - Parking requirements stated herein for conditional uses are minimum requirements; the Board of Adjustment may establish additional requirements as needed. For any conditional use not otherwise stated herein: one (1) space per employee with a minimum of five (5) spaces.

Combinations - Combined uses shall provide parking equal to the sum of the individual requirements.

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## **8-4 AGRICULTURAL URBAN (A-U) ZONE**

**8-4(a) Intent** - This zone is intended to control the development of rural land within the Urban Service Area over a period of time so as to manage the growth of the community. In order to avoid premature or improper development, land should remain in this zone until public facilities and services are or will be adequate to serve urban uses.

**8-4(b) Principal Uses** (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. The principal permitted uses in the A-R zone.

**8-4(c) Accessory Uses** (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. The permitted accessory uses in the A-R zone.

**8-4(d) Conditional Uses** (Permitted only with Board of Adjustment approval.)

1. Items 1-5, 9-11 (but excluding outdoor rifle and other firearm ranges), and 17-21 of the permitted conditional uses in the A-R zone, provided the square footage limitations shall not apply unless required by the Board of Adjustment.
2. Cemeteries, crematories, columbariums, and mausoleums for human burial; but only when adjacent to, or extensions of, existing cemeteries.
3. Garden centers, only when operated in conjunction with a commercial greenhouse or plant nursery on the same premises, and only when all conditions required of commercial greenhouses in Section 8-1(d)(5) above are met.
4. Offices of veterinarians, and animal hospitals and clinics.
5. Radio or television studios, offices and associated equipment used in conjunction with an existing transmitting or relay tower, provided that such studios, offices and associated equipment are entirely enclosed within a building any part of which is located within five hundred (500) feet of such existing tower.
6. Funeral homes.
7. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
  - a. That the proposed use will not constitute a

public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;

- b. That a reasonable degree of reclamation and proper drainage control is feasible; and
  - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
8. Commercial and non-commercial outdoor recreational facilities, including golf courses; golf driving ranges; and outdoor athletic facilities, such as baseball fields; soccer fields; or polo fields.
  9. Sewage disposal plants.
  10. Private clubs, including accessory restaurants and/or the serving of alcoholic beverages.
  11. Hospitals, nursing homes, rest homes, assisted living facilities, orphanages, community residences.
  12. Schools for academic instruction, including dormitories, fraternity and sorority houses.
  13. Any uses that are clearly incidental and subordinate to a small farm winery operation licensed as such by the Commonwealth of Kentucky, other than those specifically outlined in KRS 100, and permitted by Article 8-1(c)(2), which may include special events with or without live entertainment or a small bistro/restaurant of up to two (2) seats per 1,000 gallons of wine, brandies and cordials produced or compounded on site per year. For special events, documentation shall be provided that arrangements have been made with the LFUCG Division of Fire and Emergency Services for approval for fire suppression and control; that Fayette County Health Department approval has been obtained for the septic system and/or portable toilets; that Fayette County Health Department approval has been obtained for any food services offered, whether it be provided on site or catered for each event; and that approval be obtained from the Division of Building Inspection for any temporary structures used (i.e., tents).

**8-4(e) Prohibited Uses** (All uses, other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses, shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. The prohibited uses in the A-R zone, except as permitted herein.
2. Extraction of crude petroleum or natural gas.
3. Quarrying of non-metallic minerals.
4. Airports.
5. Radio, telephone or television transmitting towers, antennas and line-of-sight relays, except as permitted herein.
6. Penal or correctional institutions.
7. Outdoor rifle and other firearm ranges.

8. Concrete mixing.
9. Asphalt plants.
10. Adult entertainment establishments or other similar adult uses.

Lot, Yard, and Height Requirements (See Articles 3 and 15 for additional regulations.)

8-4(f) Minimum Lot Size - No limitation, except for single family detached residences as a principal permitted use; commercial greenhouses, garden centers and equine hospitals as conditional uses, then ten (10) acres minimum.

8-4(g) Minimum Lot Frontage - 250'.

8-4(h) Minimum Front Yard - 50' from the right-of-way.

8-4(i) Minimum Each Side Yard - 25'.

8-4(j) Minimum Rear Yard - 25'.

8-4(k) Minimum Useable Open Space - No limitation.

8-4(l) Maximum Lot Coverage - No limitation.

8-4(m) Maximum Height of Building - No limitation.

8-4(n) Off-Street Parking (See Article 16 for additional parking regulations.)

As for A-R.

Commercial and Non-Commercial Outdoor Athletic Facilities, including Baseball Fields; Soccer Fields; or Polo Fields - One (1) space for every five (5) spectator seats, or one for every three active participants in the sport, whichever is greater.

Dormitories, Sorority and Fraternity Houses - Five (5) spaces, plus one (1) space for every five (5) beds.

Golf Courses - Three (3) spaces for every hole on the main course.

Golf Driving Range - One (1) space per driving tee, plus one (1) space per employee, with a minimum of five (5) spaces.

Hospitals, Nursing and Rest Homes, Orphanages, and Rehabilitation Homes - One (1) space for each three (3) beds; plus one (1) space for each employee on the maximum shift, with minimum of five (5) spaces.

Offices of Veterinarians and Animal Hospitals and Clinics - One (1) space per two hundred (200) square feet of floor area (not including any barns, or other indoor areas devoted principally to housing animals), with a minimum of five (5) spaces.

Private Clubs - One (1) space for every four (4) members.

Assisted Living Facilities - Three (3) spaces for each four (4) bedrooms, plus one (1) space for each employee on the maximum shift.

Small Winery Restaurant/Bistro - One (1) space for every six (6) seats in the restaurant/bistro.

Combinations - Combined uses shall provide parking equal to the sum of the individual requirements.

## **8-5 SINGLE FAMILY RESIDENTIAL (R-1A) ZONE**

**8-5(a) Intent** - These zones are established to provide for single family detached residences and supporting uses. The zones should be located in areas of the community where services and facilities will be adequate to serve the anticipated population. The Comprehensive Plan should be used to determine the location and density (units/acre) of each single family zone.

**8-5(b) Principal Uses** (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Single family detached residences.
2. Parks and playgrounds operated by government.

**8-5(c) Accessory Uses** (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Private garages, storage sheds, and parking areas.
2. Living quarters, without cooking facilities and not rented, for guests and employees of the premises.
3. Swimming pools and tennis courts, including accessory structures and temporary structures associated with those uses.
4. Agricultural uses, excluding commercial stock raising.
5. Private, non-commercial parks and open space.
6. Home office.
7. A ground mounted satellite dish antenna, as regulated by Article 15-8.
8. Family child care for up to six (6) children, provided that the total number of children living or being cared for on the premises shall not exceed six (6).

**8-5(d) Conditional Uses** (Permitted only with Board of Adjustment approval.)

1. Kindergartens and nursery schools for four (4) and not more than twelve (12) children, when accessory to and located in the same structure with the single family residence occupied by the owner or operator. All kindergartens and nursery schools shall provide a fenced and screened play area, which shall contain not less than twenty-five (25) square feet per child.
2. Kindergartens, nursery schools and child care centers for four (4) or more children, when accessory to a church, school or private club as permitted herein. A fenced and screened

play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.

3. Home occupations.
4. Temporary real estate sales offices for the sale of lots located only within the subdivision in which said lots are located, to be removed at the end of two years or when all the lots are sold, whichever comes first.
5. Cemeteries, columbariums, and mausoleums.
6. Outdoor commercial and non-commercial recreational facilities, such as golf courses; zoological gardens; sportsmen's farms; riding stables; fishing lakes and non-commercial swimming pools; tennis courts; campgrounds; and private clubs.
7. Churches, Sunday schools, and parish houses.
8. Schools for academic instruction.
9. A roof or pole mounted satellite dish antenna, as further regulated in Article 15-8.
10. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
  - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
  - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
  - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
11. Family child care for seven (7) and not more than twelve (12) children, provided that the total number of children living or being cared for on the premises shall not exceed twelve (12). A fenced outdoor play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
12. Bed and breakfast facilities, limited to the rental of not more than one (1) room. The Board of Adjustment, in considering approval of such conditional use, shall consider and make a finding that the number of rooms granted shall not have an adverse effect on surrounding properties. In addition, in considering such a conditional use, the Board of Adjustment shall take into consideration the number of bed and breakfast facilities, if any, within the general neighborhood of the property being considered for such use.
13. Historic house museums.

**8-5(e) Prohibited Uses** (All uses, other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses, shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. Those uses prohibited in the A-U zone.
2. Commercial kennels, equine hospitals, and offices of veterinarians.
3. Any use dependent upon septic tanks or pit privies.
4. The above- or below- ground storage of any flammable material in gaseous form, including compressed natural gas, and the above- or below- ground storage of more than five (5) gallons of gasoline.

Lot, Yard, and Height Requirements (See Articles 3 and 15 for additional regulations.)

8-5(f) Minimum Lot Size - One acre; or 25,000 square feet for property rezoned to R-1A after July 14, 1994.

8-5(g) Minimum Lot Frontage - 150'; or 125' for property rezoned to R-1A after July 14, 1994.

8-5(h) Minimum Front Yard - 50'; or 40' for property rezoned to R-1A after July 14, 1994.

8-5(i) Minimum Each Side Yard - 25'; or 10' for property rezoned to R-1A after July 14, 1994.

8-5(j) Minimum Rear Yard - 25'.

8-5(k) Minimum Useable Open Space - No limitation.

8-5(l) Maximum Lot Coverage - No limitation.

8-5(m) Maximum Height of Building - 35'.

8-5(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Churches, Sunday Schools, and Parish Houses - One (1) space for each five (5) seats in the main auditorium, with a minimum of five (5) spaces.

Dwelling Units - One (1) space per dwelling unit.

Elementary and Junior High Schools - One (1) space for every fifteen (15) seats in the main auditorium; or one (1) space for every classroom, plus one (1) space for each employee, whichever is greater.

All Other Schools for Academic Instruction - One (1) space for every five (5) seats in the main auditorium; or one (1) space for every five (5) classroom seats, whichever is greater.

Golf Courses - Three (3) spaces for every hole on the main course.

Keeping of Roomers or Boarders - One (1) space

for every two (2) roomers or boarders.

Kindergartens, Nursery Schools, Day Nurseries and Child Care Centers - Three (3) spaces for the first twelve (12) children, plus one (1) space for every ten (10) (or fraction thereof) additional children.

Family Child Care for between seven (7) and twelve (12) children - One (1) space in addition to that required for the dwelling.

Private Clubs - One (1) space for every four (4) members.

Non-Commercial Outdoor Recreational Facilities, including Playgrounds; Sportsmen's Farms; and Riding Stables - One (1) space for every four (4) members, with a minimum of five spaces.

Temporary Real Estate Sales Offices - One (1) space for every four hundred (400) square feet of floor area to be used as the sales office.

Conditional Uses - Parking requirements stated herein for conditional uses are minimum requirements; the Board of Adjustment may establish additional requirements, as needed. Where no requirement is stated herein, the Board shall determine the required parking for the conditional use.

Combinations - Combined uses shall provide parking equal to the sum of individual requirements.

**8-6 SINGLE FAMILY RESIDENTIAL (R-1B)  
ZONE**

8-6(a) Intent - As for R-1A.

8-6(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. The principal permitted uses in the R-1A zone.

8-6(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. The permitted accessory uses in the R-1A zone.

8-6(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. The permitted conditional uses in the R-1A zone.

8-6(e) Prohibited Uses (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. The uses prohibited in the R-1A zone.

Lot, Yard, and Height Requirements (See Articles 3 and 15 for additional regulations.)

8-6(f) Minimum Lot Size - 15,000 square feet.

8-6(g) Minimum Lot Frontage - 100'.

8-6(h) Minimum Front Yard - 40'.

8-6(i) Minimum Each Side Yard - 10'.

8-6(j) Minimum Rear Yard - 10'.

8-6(k) Minimum Useable Open Space - No limitation.

8-6(l) Maximum Lot Coverage - No limitation.

8-6(m) Maximum Height of Building - 35'.

8-6(n) Off-Street Parking (See Article 16 for additional parking regulations.)

As for R-1A.

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## **8-7 SINGLE FAMILY RESIDENTIAL (R-1C) ZONE**

8-7(a) Intent - As for R-1A.

8-7(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. The principal permitted uses in the R-1A zone.

8-7(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. The permitted accessory uses in the R-1A zone.

8-7(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. The permitted conditional uses in the R-1A zone.

8-7(e) Prohibited Uses (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. The prohibited uses in the R-1A zone.

Lot, Yard and Height Requirements (See Articles 3, 8-7(o) below, and 15 for additional regulations.)

8-7(f) Minimum Lot Size - 8,000 square feet.

8-7(g) Minimum Lot Frontage - 60'.

8-7(h) Minimum Front Yard - 30'.

8-7(i) Minimum Each Side Yard - 8'.

8-7(j) Minimum Rear Yard - 10'.

8-7(k) Minimum Useable Open Space - No limitation.

8-7(l) Maximum Lot Coverage - No limitation.

8-7(m) Maximum Height of Building - 35'.

8-7(n) Off-Street Parking (See Article 16 for additional parking regulations.)

As for R-1A.

## **8-7(o) Special Provisions**

1. Lot frontage, yard and height requirements for single family detached dwellings in defined Infill and Redevelopment areas are for existing lots as of December 5, 2002, and shall be as follows:

- a. Where existing lot frontage is 24 feet but less than 35 feet, the provisions of Article 15-7 and the following shall apply:

1. Minimum lot frontage - 24 feet.
2. Minimum front yard - As per Article 8-7(h), unless the average depth of the existing front yards on each of the adjacent lots on either side of the lot are less; then the minimum shall be no less than this average, or eight (8) feet, whichever is greater.
3. Maximum front yard - 50 feet, unless the average depth of the existing front yards on each side of the adjacent lots on either side of the lot are greater; then the maximum shall be no greater than this average.
4. Minimum side yard - 3 feet. No wall, air-conditioning unit, structure or other obstruction shall be located within the required side yard. Any fence located in a required side yard must be entirely to the rear of the principal structure on the lot.
5. Minimum rear yard - 20% of the lot depth.
6. Minimum usable open space - No limitation.
7. Minimum lot coverage - No limitation.
8. Maximum height of building - 28 feet and 2½ stories.
9. Maximum lot coverage - No limitation.
10. Maximum floor area ratio - 0.35, or that which allows 2,600 square feet, whichever is greater.

- b. Where existing lot frontage is 35 feet but less than 50 feet, the provisions of Article 15-7 and the following shall apply:

1. Minimum lot frontage - 35 feet.
2. Minimum front yard - As per Article 8-7(h), unless the average depth of the existing front yards on each of the adjacent lots on either side of the lot are less; then the minimum shall be no less than this average, or eight (8) feet, whichever is greater.
3. Maximum front yard - 50 feet, unless the average depth of the existing front yards on each of the adjacent lots on either side of the lot are greater; then the maximum shall be no greater than this average.
4. Minimum side yard - 5 feet.
5. Minimum rear yard - 20% of the lot depth.
6. Minimum usable open space - No limitation.
7. Minimum lot coverage - No limitation.
8. Maximum height of building - 28 feet and 2½ stories.
9. Maximum lot coverage - No limitation.
10. Maximum floor area ratio - 0.35, or that which

allows 2,600 square feet, whichever is greater.

- c. Where existing lot frontage is 50 feet or greater, the provisions of Article 15-7 and the following shall apply:
  - 1. Minimum lot frontage - 50 feet.
  - 2. Minimum front yard - As per Article 8-7(h), unless the average depth of the existing front yards on each of the adjacent lots on either side of the lot are less, then the minimum shall be no less than this average, or eight (8) feet, whichever is greater.
  - 3. Maximum front yard - 50 feet, unless the average depth of the existing front yards on each of the adjacent lots on either side of the lot are greater; then the maximum shall be no greater than this average.
  - 4. Minimum side yard - As per Article 8-7(i).
  - 5. Minimum rear yard - 20% of the lot depth.
  - 6. Minimum usable open space - No limitation.
  - 7. Minimum lot coverage - No limitation.
  - 8. Maximum height of building - As per Article 8-7(m).
  - 9. Maximum lot coverage - No limitation.
  - 10. Maximum floor area ratio - 0.7.

## **8-8 SINGLE FAMILY RESIDENTIAL (R-1D) ZONE**

**8-8(a) Intent** - As for R-1A.

**8-8(b) Principal Uses** (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. The principal permitted uses in the R-1A zone.
2. Existing two-family dwellings that were granted principal use status in the 1969 Zoning Ordinance. No building permits shall be issued for new two-family dwellings subsequent to the date of adoption of this Zoning Ordinance.

**8-8(c) Accessory Uses** (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. The permitted accessory uses in the R-1A zone.

**8-8(d) Conditional Uses** (Permitted only with Board of Adjustment approval.)

1. The permitted conditional uses in the R-1A zone.

**8-8(e) Prohibited Uses** - (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. The prohibited uses in the R-1A zone.

**Lot, Yard, and Height Requirements** (See Articles 3, 8-8(o) below, and 15 for additional regulations.)

**8-8(f) Minimum Lot Size** - 6,000 square feet.

**8-8(g) Minimum Lot Frontage** - 60'.

**8-8(h) Minimum Front Yard** - 30'.

**8-8(i) Minimum Each Side Yard** - 6'.

**8-8(j) Minimum Rear Yard** - 10'.

**8-8(k) Minimum Useable Open Space** - No limitation.

**8-8(l) Maximum Lot Coverage** - No limitation.

**8-8(m) Maximum Height of Building** - 35'.

**8-8(n) Off-Street Parking** (See Article 16 for additional parking regulations.)

As for R-1A.

**8-8(o) Special Provisions**

1. Lot, yard and height requirements for single family detached dwellings in defined Infill and Redevelopment areas are for existing lots as of December 5, 2002, and shall be as follows:

- a. Where existing lot frontage is 24 feet but less than 35 feet, the provisions of Article 15-7 and the following shall apply:

1. Minimum lot frontage - 24 feet.
2. Minimum front yard - As per Article 8-8(h), unless the average depth of the existing front yards on each of the adjacent lots on either side of the lot are less; then the minimum shall be no less than this average, or eight (8) feet, whichever is greater.
3. Maximum front yard - 50 feet, unless the average depth of the existing front yards on each of the adjacent lots on either side of the lot are greater; then the maximum shall be no greater than this average.
4. Minimum side yard - 3 feet. No wall, air-conditioning unit, structure or other obstruction shall be located within the required side yard. Any fence located in a required side yard must be entirely to the rear of the principal structure on the lot.
5. Minimum rear yard - 20% of the lot depth.
6. Minimum usable open space - No limitation.
7. Minimum lot coverage - No limitation.
8. Maximum height of building - 28 feet and 2½ stories.
9. Maximum lot coverage - No limitation.
10. Maximum floor area ratio - 0.35, or that which allows 2,600 square feet, whichever is greater.

- b. Where existing lot frontage is 35 feet but less than 50 feet, the provisions of Article 15-7 and the following shall apply:

1. Minimum lot frontage - 35 feet.
2. Minimum front yard - As per Article 8-8(h), unless the average depth of the existing front yards on each of the adjacent lots on either side of the lot are less; then the minimum shall be no less than this average, or eight (8) feet, whichever is greater.
3. Maximum front yard - 50 feet, unless the average depth of the existing front yards on each of the adjacent lots on either side of the lot are greater; then the maximum shall be no greater than this average.
4. Minimum side yard - 5 feet.
5. Minimum rear yard - 20% of the lot depth.
6. Minimum usable open space - No limitation.
7. Minimum lot coverage - No limitation.

8. Maximum height of building - 28 feet and 2½ stories.
  9. Maximum lot coverage - No limitation.
  10. Maximum floor area ratio - 0.35, or that which allows 2,600 square feet, whichever is greater.
- c. Where existing lot frontage is 50 feet or greater, the provisions of Article 15-7 and the following shall apply:
1. Minimum lot frontage - 50 feet.
  2. Minimum front yard - As per Article 8-8(h), unless the average depth of the existing front yards on each of the adjacent lots on either side of the lot are less; then the minimum shall be no less than this average, or eight (8) feet, whichever is greater.
  3. Maximum front yard - 50 feet, unless the average depth of the existing front yards on each of the adjacent lots on either side of the lot are greater; then the maximum shall be no greater than this average.
  4. Minimum side yard - As per Article 8-8(i).
  5. Minimum rear yard - 20% of the lot depth.
  6. Minimum usable open space - No limitation.
  7. Minimum lot coverage - No limitation.
  8. Maximum height of building - As per Article 8-8(m).
  9. Maximum lot coverage - No limitation.
  10. Maximum floor area ratio - 0.7.

## **8-9 SINGLE FAMILY RESIDENTIAL (R-1E) ZONE**

**8-9(a) Intent** - This zone is intended to provide for single family detached residences on small lots, and at a higher density than would be possible in other detached single family zones. It may be used for zero-lot-line houses and for patio houses. This zone should be at locations and at the density (units/acre) recommended by the Comprehensive Plan and in areas of the community where necessary services and facilities will be adequate to serve the anticipated population.

**8-9(b) Principal Uses** (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Single family detached residences.
2. Parks and playgrounds operated by government.

**8-9(c) Accessory Uses** (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Private garages, storage sheds and parking areas.
2. Swimming pools and tennis courts.
3. Agricultural uses, excluding commercial stock raising.
4. Private, non-commercial parks and open space.
5. Home office.
6. A ground mounted satellite dish antenna, as regulated by Article 15-8.
7. Family child care for up to six (6) children, provided that the total number of children living or being cared for on the premises shall not exceed six (6).

**8-9(d) Conditional Uses** (Permitted only with Board of Adjustment approval.)

1. As for R-1A.

**8-9(e) Prohibited Uses** (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. As for R-1A.

**Lot, Yard, and Height Requirements** (See Articles 3, 8-9(o) below, and 15 for additional regulations.)

**8-9(f) Lot Size** - 4,000 square feet minimum, with a

maximum of 7,500 square feet for single family detached uses on lots not fronting upon a cul-de-sac or more than one public street; for all other uses and lots, there shall be no maximum lot size.

**8-9(g) Minimum Lot Frontage** - 40'.

**8-9(h) Minimum Front Yard** - 20'.

**8-9(i) Minimum Each Side Yard** - 3'. No wall, air-conditioning unit, structure or other obstruction shall be located within the required side yard. Any fence located in a required side yard must be entirely to the rear of the principal structure on the lot. (See Article 8-9(o)1 below.)

**8-9(j) Minimum Rear Yard** - 10'.

**8-9(k) Minimum Useable Open Space** - No limitation.

**8-9(l) Maximum Lot Coverage** - No limitation.

**8-9(m) Maximum Height of Building** - 35'.

**8-9(n) Off-Street Parking** (See Article 16 for additional parking regulations.)

One space per dwelling unit.

### **8-9(o) Special Provisions**

1. There shall be not less than six (6) feet at any point between the walls of each single family residence.
2. Lot, yard and height requirements for single family detached dwellings in defined Infill and Redevelopment areas are for existing lots as of December 5, 2002, and shall be as follows:
  - a. Where existing lot frontage is 24 feet but less than 40 feet, the provisions of Article 15-7 and the following shall apply:
    1. Minimum lot frontage - 24 feet.
    2. Minimum front yard - As per Article 8-9(h), unless the average depth of the existing front yards on each of the adjacent lots on either side of the lot are less; then the minimum shall be no less than this average, or eight (8) feet, whichever is greater.
    3. Maximum front yard - 40 feet, unless the average depth of the existing front yards on each of the adjacent lots on either side of the lot are greater; then the maximum shall be no greater than this average.
    4. Minimum side yard - As per Article 8-9(i).
    5. Minimum rear yard - 20% of the lot depth.
    6. Minimum usable open space - No limitation.
    7. Minimum lot coverage - No limitation.
    8. Maximum height of building - 28 feet and 2½ stories.
    9. Maximum lot coverage - No limitation.
    10. Maximum floor area ratio - 0.35, or that which

allows 2,600 square feet, whichever is greater.

- b. Where existing lot frontage is 40 feet or greater, the provisions of Article 15-7 and the following shall apply:
  - 1. Minimum lot frontage - 40 feet.
  - 2. Minimum front yard - As per Article 8-9(h), unless the average depth of the existing front yards on each of the adjacent lots on either side of the lot are less; then the minimum shall be no less than this average, or eight (8) feet, whichever is greater.
  - 3. Maximum front yard - 40 feet, unless the average depth of the existing front yards on each of the adjacent lots on either side of the lot are greater; then the maximum shall be no greater than this average.
  - 4. Minimum side yard - As per Article 8-12(i).
  - 5. Minimum rear yard - 20% of the lot depth.
  - 6. Minimum usable open space - No limitation.
  - 7. Minimum lot coverage - No limitation.
  - 8. Maximum height of building - 28 feet and 2½ stories.
  - 9. Maximum lot coverage - No limitation.
  - 10. Maximum floor area ratio - 0.35, or that which allows 2,600 square feet, whichever is greater.

## **8-10 TOWNHOUSE RESIDENTIAL (R-1T) ZONE**

8-10(a) Intent - This zone is intended to provide for attached single family dwellings and supporting uses. This zone should be at locations and at the density (units/acre) recommended by the Comprehensive Plan and in areas of the community where necessary services and facilities will be adequate to serve the anticipated population.

8-10(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Single family attached residences, except that not more than twelve (12) units shall be attached.
2. Group Residential Projects, as provided in Article 9.
3. Existing single family detached residences and single family detached residences for which a building permit was issued or a plan approved prior to the adoption of this Zoning Ordinance.
4. Parks and playgrounds operated by government.

8-10(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Private garages, storage sheds and parking areas.
2. Swimming pools and tennis courts.
3. Agricultural uses, excluding commercial stock raising.
4. Private, non-commercial parks and open space.
5. Home office.
6. A ground mounted satellite dish antenna, as regulated in Article 15-8.
7. Family child care for up to six (6) children, provided that the total number of children living or being cared for on the premises shall not exceed six (6).

8-10(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. As for R-1A.

8-10(e) Prohibited Uses (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. As for R-1A, except for townhouses.

Lot, Yard, and Height Requirements (See Articles 3, 8-10(o) below, and 15 for additional regulations.)

8-10(f) Minimum Lot Size - 1,500 square feet.

8-10(g) Minimum Lot Frontage - 15'.

8-10(h) Minimum Front Yard - 10' (See 8-10(o) below).

8-10(i) Minimum Each Side Yard (See 8-10(o) below).

8-10(j) Minimum Rear Yard - 10'.

8-10(k) Minimum Useable Open Space (See 8-10(o) below).

8-10(l) Maximum Lot Coverage - No limitation.

8-10(m) Maximum Height of Building - 35'.

8-10(n) Off-Street Parking (See Article 16 for additional parking regulations.)

As for R-1A.

8-10(o) Special Provisions

1. No more than three (3) contiguous townhouse units may be established at the same setback. A variation of at least three (3) feet shall be required where a break in setback occurs. Buildings may penetrate up to eighteen (18) inches over the building line into the required front yard, but the average setback of the contiguous units shall be at least as great as the required front yard.
2. Required side yard shall be six (6) feet for each side yard of townhouses when no units or only one unit fronts on a side yard; and a side yard of twenty (20) feet when more than one unit fronts on that side yard.
3. Not less than ten percent (10%) of the total lot area for any townhouse shall be devoted to private usable open space either on each lot or on land adjacent and directly accessible to each lot. Such open space shall be for the private use of the residents of each individual townhouse and shall be physically separated from other private open space or common open space by plantings, fences, or walls. The least dimension of the private open space shall be eight (8) feet.
4. In addition to the special provisions listed above, the lot, yard and height requirements for attached single family dwellings that are approved by the Planning Commission on a final development plan, in defined Infill and Redevelopment areas, shall be as follows:
  - a. Minimum lot size - As per Article 8-10(f).
  - b. Minimum lot frontage - As per Article 8-10(g).
  - c. Minimum front yard - 5 feet.
  - d. Maximum front yard - 15 feet.
  - e. Minimum yard along an alley - 3 feet.
  - f. Minimum side yard for the end of unattached units

- 3 feet. No wall, air-conditioning unit, structure, or other obstruction shall be located within the required side yard. Any fence located in a required side yard must be located behind the front wall plane of the principal structure on the lot.
- g. Minimum rear yard - 20% of the lot depth.
- h. Minimum usable open space - As per Article 8-10(o)3 above.
- i. Minimum lot coverage - No limitation.
- j. Maximum height of building - As per Article 8-10(m) above.
- k. Maximum lot coverage - No limitation.



## **8-11 TWO-FAMILY RESIDENTIAL (R-2) ZONE**

**8-11(a) Intent** - This zone is primarily for two-family dwellings (duplexes). This zone should be at locations and at the density (units/acre) recommended by the Comprehensive Plan and in areas of the community where necessary services and facilities will be adequate to serve the anticipated population.

**8-11(b) Principal Uses** (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. As for R-1A.
2. Two-family dwellings.
3. Two-family dwellings, having a common vertical wall on the property line of two separate lots. Only one dwelling for one family shall be permitted on each lot, and no more than two dwelling units shall be attached.

**8-11(c) Accessory Uses** (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. The permitted accessory uses in the R-1A zone.

**8-11(d) Conditional Uses** (Permitted only with Board of Adjustment approval.)

1. The permitted conditional uses in the R-1A zone.

**8-11(e) Prohibited Uses** (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. The prohibited uses in the R-1A zone, except for two-family dwellings.

**Lot, Yard, and Height Requirements** (See Articles 3, 8-11(o) below, and 15 for additional regulations.)

**8-11(f) Minimum Lot Size** - 7,500 square feet (See 8-11(o) below).

**8-11(g) Minimum Lot Frontage** - 60' (See 8-11(o) below).

**8-11(h) Minimum Front Yard** - 30'.

**8-11(i) Minimum Each Side Yard** - 6' (See 8-11(o) below).

**8-11(j) Minimum Rear Yard** - 10' or 20% of the lot depth, whichever is greater.

**8-11(k) Minimum Usable Open Space** - No limitation.

**8-11(l) Maximum Lot Coverage** - No limitation (See 8-11(o) below).

**8-11(m) Maximum Height of Building** - 35'.

**8-11(n) Off-Street Parking** (See Article 16 for additional parking regulations.)

As for R-1A.

Duplexes - Two (2) spaces per dwelling unit.

**8-11(o) Special Provisions:**

1. The minimum lot size and lot frontage may be reduced for a property subdivision along the common vertical wall of a two-family dwelling (duplex) as long as the structure meets the dwelling unit separation requirements for townhouses under the current Kentucky Building Code.
2. The minimum side yard may be eliminated on one side of a lot, for future or existing adjacent lots, if a common vertical wall dividing a two-family structure is located, or is to be located, on the common property line. The side yard that is not eliminated shall be a minimum of six (6) feet.
3. Lot, yard and height requirements for single family detached dwellings in defined Infill & Redevelopment areas shall be as required for R-1D.
4. Lot, yard and height requirements for two-family dwellings in defined Infill & Redevelopment areas are for existing lots as of December 5, 2002, and shall be as follows:
  - a. Minimum lot size - As per Article 8-11(f) and Article 8-11(o)(1) above.
  - b. Minimum lot frontage - As per Article 8-11(g) and Article 8-11(o)(2) above.
  - c. Minimum front yard - As per Article 8-11(h), unless the average depth of the existing front yards on each of the adjacent lots on either side of the lots are less; then the minimum shall be no less than this average, or eight (8) feet, whichever is greater.
  - d. Maximum front yard - 50 feet, unless the average depth of the existing front yards on each of the adjacent lots on either side of the lot are greater; then the maximum shall be no greater than this average.
  - e. Minimum side yard - As per Article 8-11(i) and Article 8-11(o)(3) above.
  - f. Minimum rear yard - As per Article 8-11(j).
  - g. Minimum usable open space - No limitation.
  - h. Minimum lot coverage - No limitation.
  - i. Maximum height of building - As per Article 8-11(m) above.

- j. Maximum lot coverage - No limitation, except for a floor area ratio of 0.35, or that which allows 2,600 square feet, whichever is greater.
- 5. Habitable additions to two-family dwellings must have a common wall that shall be at least 15 feet or 25% of the length of the common wall on the existing structure, whichever is greater.

## **8-12 PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE**

**8-12(a) Intent** - This zone is primarily for multi-family dwellings and other residential uses. This zone should be at locations and at the density (units/acre) recommended by the Comprehensive Plan, and in areas of the community where necessary services and facilities will be adequate to serve the anticipated population.

**8-12(b) Principal Uses** (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. The principal permitted uses in the R-2 zone.
2. Multi-family dwellings.
3. Dormitories.
4. Boarding or lodging houses, assisted living facilities, and hospitality houses for up to eight (8) persons.
5. Community residences.
6. Group Residential Projects, as provided by Article 9.
7. Townhouses, except that no less than three (3) and no more than twelve (12) units shall be attached.

**8-12(c) Accessory Uses** (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Items 1 through 3, 6 and 8 of the permitted accessory uses in the R-1A zone.
2. The keeping of not more than four (4) roomers or boarders per dwelling unit by a resident family for single family or two-family dwellings, except where a bed and breakfast facility is provided; then no roomers or boarders shall be permitted.
3. Satellite dish antennas, subject to the following:
  - a. For townhouse dwellings, as permitted as an accessory use in the R-1T zone.
  - b. For duplex dwellings, as permitted as an accessory use in the R-2 zone.
  - c. For single family dwellings, as permitted as an accessory use in the R-1A zone.
  - d. For multi-family dwellings and all other uses not specifically provided for otherwise, one ground, roof or pole-mounted satellite dish antenna, as further regulated by Article 15-8.
4. Athletic club facilities, when operated solely for the use of occupants of residential units on the same property.

**8-12(d) Conditional Uses** (Permitted only with Board of Adjustment approval.)

1. The permitted conditional uses in the R-1A zone.
2. Hospitals, nursing homes, rest homes, and orphanages.
3. Community centers (such as YMCA, YWCA, etc.)
4. Community garages.
5. Kindergartens, nursery schools, and child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
6. Parking, as permitted in Article 16-3.
7. Satellite dish antenna, subject to the following:
  - a. For townhouse dwellings, as permitted as a conditional use in the R-1T zone.
  - b. For duplex dwellings, as permitted as a conditional use in the R-2 zone.
  - c. For single family dwellings, as permitted as a conditional use in the R-1A zone.
8. Sorority and fraternity houses.
9. Boarding or lodging houses, assisted living facilities, and hospitality houses for more than eight (8) persons and rehabilitation homes, provided that no use permitted under this section shall be located less than five hundred (500) feet, as measured from the nearest property line, from another use permitted under this section. However, the Board may reduce the 500-foot spacing requirement if it can determine that a reduction will not have an adverse influence on existing or future development of the subject property or its surrounding neighborhood.
10. Bed and breakfast facilities, limited to the rental of not more than five (5) rooms. The Board of Adjustment, in considering approval of such conditional use, shall consider and make a finding that the number of rooms granted shall not have an adverse effect on surrounding properties. In addition, in considering such a conditional use, the Board of Adjustment shall take into consideration the number of bed and breakfast facilities, if any, within the general neighborhood of the property being considered for such use.
11. Athletic club facilities, when accessory to another permitted or conditional use.

**8-12(e) Prohibited Uses** (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. The prohibited uses in the R-1A zone, except for multi-family, two-family and townhouse dwellings; boarding or lodging houses; dormitories; and sorority and fraternity houses.

**Lot, Yard, and Height Requirements** (See Articles 3, 8-12(o) below, and 15 for additional regulations.)

8-12(f) Minimum Lot Size - 6,000 square feet.

8-12(g) Minimum Lot Frontage - 50'.

8-12(h) Minimum Front Yard - 20'.

8-12(i) Minimum Each Side Yard - 5', unless required to be a minimum of 30 feet by Article 15-2(b)(3).

8-12(j) Minimum Rear Yard - 10'.

8-12(k) Minimum Usable Open Space - 20%.

8-12(l) Maximum Lot Coverage - 25% and a floor area ratio of 0.5.

8-12(m) Maximum Height of Building - 35'.

8-12(n) Off-Street Parking (See Article 16 for additional parking regulations.)

As for R-1A, except as provided in Article 8-12(o)(4) below.

Multiple Family Dwellings (other than Elderly Housing) - Three (3) spaces for every two (2) dwelling units, or 0.9 spaces per bedroom in a multi-family dwelling, whichever is greater.

Elderly Housing - Three (3) spaces for every four (4) dwelling units.

Fraternity and Sorority Houses, Dormitories, Boarding and Lodging Houses and Hospitality Houses - Five (5) spaces, plus one (1) space for every five (5) beds.

Hospitals, Nursing Homes, Rest Homes, Orphanages, and Rehabilitation Homes - One (1) space for every four (4) beds; plus one (1) space for each employee on the maximum working shift, with a minimum of five (5) spaces.

Community Centers - Five (5) spaces, plus one (1) space for each employee.

Bed and Breakfast Facilities - One space per room rented other than the first room.

Assisted Living Facilities - Three (3) spaces for each four (4) bedrooms, plus one (1) space for each employee on the maximum shift.

Duplexes - Two (2) spaces per dwelling unit.

8-12(o) Special Provisions:

1. Lot, yard, and height requirements for townhouses shall be as required for R-1T.

2. Lot, yard, and height requirements for two-family dwellings shall be as required by R-2.
3. Lot, yard, and height requirements for Group Residential Projects shall be as required in Article 9.
4. Lot, yard, and height requirements for single family detached dwellings in defined Infill & Redevelopment areas are for existing lots as of December 5, 2002, and shall be as listed below. (Minimum lot sizes are listed below for the purpose of establishing minimum configurations that may be the result of consolidation among adjacent parcels.)
  - a. Where existing lot frontage is less than 24', the provisions of Article 15-7 and the following shall apply:
    1. Minimum lot size - 2,000 square feet.
    2. Minimum lot frontage - 20 feet.
    3. Minimum front yard - As per Article 8-12(h), unless the average depth of the existing front yards on each of the adjacent lots on either side of the lot are less; then the minimum shall be no less than this average, or eight (8) feet, whichever is greater.
    4. Maximum front yard - 40 feet, unless the average depth of the existing front yards on each of the adjacent lots on either side of the lot are greater; then the maximum shall be no greater than this average.
    5. Minimum side yard - 3 feet. No wall, air-conditioning unit, structure, or other obstruction shall be located within the required side yard. Any fence located in a required side yard must be entirely to the rear of the principal structure on the lot.
    6. Minimum rear yard - 20 feet.
    7. Minimum usable open space - No limitation.
    8. Minimum lot coverage - No limitation.
    9. Maximum height of building - 24 feet.
    10. Maximum lot coverage - No limitation.
    11. Maximum floor area ratio - 0.35, or that which allows 2,600 square feet, whichever is greater.
    12. Minimum off-street parking - None required.
  - b. Where existing lot frontage is 24' but less than 35', the provisions of Article 15-7 and the following shall apply:
    1. Minimum lot size - 2,500 square feet.
    2. Minimum lot frontage - 24 feet.
    3. Minimum front yard - As per Article 8-12(h), unless the average depth of the existing front yards on each of the adjacent lots on either side of the lot are less; then the minimum shall be no less than this average, or eight (8) feet, whichever is greater.
    4. Maximum front yard - 40 feet, unless the average depth of the existing front yards on each of the adjacent lots on either side of the lot are greater; then the maximum shall be no greater than this average.
    5. Minimum side yard - 3 feet. No wall, air-conditioning unit, structure, or other

obstruction shall be located within the required side yard. Any fence located in a required side yard must be entirely to the rear of the principal structure on the lot.

6. Minimum rear yard - 20% of the lot depth.
  7. Minimum usable open space - No limitation.
  8. Minimum lot coverage - No limitation.
  9. Maximum height of building - 28 feet and 2½ stories.
  10. Maximum lot coverage - No limitation.
  11. Maximum floor area ratio - 0.35, or that which allows 2,600 square feet, whichever is greater.
- c. Where existing lot frontage is 35' but less than 50', the provisions of Article 15-7 and the following shall apply:
1. Minimum lot size - 3,750 square feet.
  2. Minimum lot frontage - 35 feet.
  3. Minimum front yard - As per Article 8-12(h), unless the average depth of the existing front yards on each of the adjacent lots on either side of the lot are less; then the minimum shall be no less than this average, or eight (8) feet, whichever is greater.
  4. Maximum front yard - 40 feet, unless the average depth of the existing front yards on each of the adjacent lots on either side of the lot are greater; then the maximum shall be no greater than this average.
  5. Minimum side yard - As per Article 8-12(i).
  6. Minimum rear yard - 20% of the lot depth.
  7. Minimum usable open space - No limitation.
  8. Minimum lot coverage - No limitation.
  9. Maximum height of building - 28 feet and 2½ stories.
  10. Maximum lot coverage - No limitation.
  11. Maximum floor area ratio - 0.35, or that which allows 2,600 square feet, whichever is greater.
- d. Where existing lot frontage is 50 feet or greater, the provisions of Article 15-7 and the following shall apply:
1. Minimum lot size - 8,000 square feet.
  2. Minimum lot frontage - 50 feet.
  3. Minimum front yard - As per Article 8-12(h), unless the average depth of the existing front yards on each of the adjacent lots on either side of the lot are less; then the minimum shall be no less than this average, or eight (8) feet,

whichever is greater.

4. Maximum front yard - 40 feet, unless the average depth of the existing front yards on each of the adjacent lots on either side of the lot are greater; then the maximum shall be no greater than this average.
  5. Minimum side yard - 8 feet.
  6. Minimum rear yard - 20% of the lot depth.
  7. Minimum usable open space - No limitation.
  8. Minimum lot coverage - No limitation.
  9. Maximum height of building - As per Article 8-12(m).
  10. Maximum lot coverage - No limitation.
  11. Maximum floor area ratio - 0.7.
5. Lot, yard and height requirements for all other single family detached dwellings in the R-3 zone shall be as follows:
- (1) Minimum lot size - 2,500 square feet.
  - (2) Minimum lot frontage - 25 feet.
  - (3) Minimum front yard - 20 feet, as per Article 8-12(h).
  - (4) Minimum side yard - 3 feet. No wall, air-conditioning unit, structure, or other obstruction shall be located within the required side yard. Any fence located in a required side yard must be entirely to the rear of the principal structure on the lot.
  - (5) Minimum rear yard - 10 feet.
  - (6) Minimum usable open space - No limitation.
  - (7) Maximum lot coverage - No limitation.
  - (8) Maximum height of building - 35 feet.

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### **8-13 HIGH DENSITY APARTMENT (R-4) ZONE**

8-13(a) Intent - This zone is primarily for multi-family dwellings, but at a higher density than the R-3 zone. The R-4 zone should be at locations and at the density (units/acre) recommended by the Comprehensive Plan, and in areas of the community where necessary services and facilities will be adequate to serve the anticipated population.

8-13(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. The principal permitted uses in the R-3 zone.

8-13(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. The permitted accessory uses in the R-3 zone.

8-13(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. The permitted conditional uses in the R-3 zone.

8-13(e) Prohibited Uses (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. The prohibited uses in the R-3 zone.

Lot, Yard, and Height Requirements (See Articles 3, 8-13(o) below, and 15 for additional regulations.)

8-13(f) Minimum Lot Size - 6,000 square feet.

8-13(g) Minimum Lot Frontage - 50 feet.

8-13(h) Minimum Front Yard - 20 feet.

8-13(i) Minimum Each Side Yard - 5 feet.

8-13(j) Minimum Rear Yard - 10 feet.

8-13(k) Minimum Useable Open Space - 20%.

8-13(l) Maximum Lot Coverage - 30% and a floor area ratio of 0.7.

8-13(m) Maximum Height of Building - 2:1 height-to-yard ratio, except that buildings under 35' may have side and rear yards as required in the R-3 zone.

8-13(n) Off-Street Parking (See Article 16 for additional parking regulations.)

As for R-3.

### **8-13(o) Special Provisions**

1. Lot, yard, and height requirements for townhouses shall be as required for R-1T.
2. Lot, yard, and height requirements for two-family dwellings shall be as required by R-2.
3. Lot, yard, and height requirements for Group Residential Projects shall be as provided in Article 9.
4. Lot, yard, and height requirements for single family detached dwellings shall be as provided in Section 8-12(o): Special Provisions of the R-3 zone.

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## **8-14 HIGH RISE APARTMENT (R-5) ZONE**

**8-14(a) Intent** - This zone is primarily for multi-family dwellings and particularly for high rise apartments. The R-5 zone should be at locations and at the density (units/acre) recommended by the Comprehensive Plan, and in areas of the community where necessary services and facilities will be adequate to serve the anticipated population.

**8-14(b) Principal Uses** (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Multi-family dwellings.
2. Dormitories.
3. Offices, limited to multi-family structures with six (6) or more stories, provided offices are limited to no more than the first two stories with no mixing of offices and apartments on the same floor.

**8-14(c) Accessory Uses** (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. The permitted accessory uses in the R-1A zone, items 1 through 3, and 6 and 7.
2. Athletic club facilities, when operated solely for the use of occupants of residential units on the same property.

**8-14(d) Conditional Uses** (Permitted only with Board of Adjustment approval.)

1. The permitted conditional uses in the R-3 zone.
2. Incidental retail uses to any permitted use, but having no primary access to the exterior; and limited to a maximum of ten percent (10%) of the gross floor area of the building in which it is located, with no single such use being in excess of 5,000 square feet.
3. Extended-stay hotels.
4. Restaurants, without a cocktail lounge, live entertainment and/or dancing, provided it meets the following conditions:
  - a. It shall be located in a building containing a minimum of 100 dwelling units.
  - b. It shall occupy no more than ten percent (10%) of the gross floor area of the building it occupies.
  - c. It shall have no primary access to the exterior; however, one service entrance directly to the outside of the building may be permitted.
  - d. It shall have no drive-in or drive-through food service.
  - e. There shall be no more than two restaurants within a building, provided that the 10% limitation is not exceeded.

- f. None of its public floor area may be devoted exclusively to the preparation and service of malt beverages, wine or alcoholic beverages.
- g. Signs permitted per multi-family residential building may be used to identify the restaurant.
- h. This shall not apply to extended-stay hotels.

**8-14(e) Prohibited Uses** (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. The prohibited uses in the R-4 zone, except for offices, as permitted herein, extended-stay hotels, and incidental retail uses.

**Lot, Yard, and Height Requirements** (See Articles 3 and 15 for additional regulations.)

**8-14(f) Minimum Lot Size** - 6,000 square feet.

**8-14(g) Minimum Lot Frontage** - 50 feet.

**8-14(h) Minimum Front Yard** - 20 feet.

**8-14(i) Minimum Each Side Yard** - 10 feet.

**8-14(j) Minimum Rear Yard** - 10 feet.

**8-14(k) Minimum Usable Open Space** - 20%.

**8-14(l) Maximum Lot Coverage** - 35% and a floor area ratio of 1.3.

**8-14(m) Maximum Height of Building** - 4:1 height-to-yard ratio.

**8-14(n) Off-Street Parking** (See Article 16 for additional parking regulations.)

### **As for R-3**

**Accessory Offices** - One (1) space for every two hundred (200) square feet of floor area, with a minimum of three (3) spaces per office tenant.

**Extended-Stay Hotels** - One (1) space for every dwelling unit, plus one (1) space for each employee on the maximum shift.

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## **8-15 PROFESSIONAL OFFICE (P-1) ZONE**

**8-15(a) Intent** - This zone is primarily for offices and related uses. Retail sales are prohibited, except where directly related to office functions. This zone should be located as recommended in the Comprehensive Plan.

**8-15(b) Principal Uses** (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Banks, credit agencies, security and commodity brokers and exchanges, credit institutions, savings and loan companies, holding and investment companies.
2. Offices for business, professional, governmental, civic, social, fraternal, political, religious, and charitable organizations, including, but not limited to, real estate sales offices.
3. Research development and testing laboratories or centers.
4. Schools for academic instruction.
5. Libraries, museums, art galleries, and reading rooms.
6. Funeral parlors.
7. Medical and dental offices, clinics, and laboratories.
8. Telephone exchanges, radio and television studios.
9. Studios for work or teaching of fine arts, such as photography; music; drama; dance and theater.
10. Community centers and private clubs, churches, and Sunday schools.
11. Hospitals, nursing homes, rest homes and assisted living facilities.
12. Computer and data processing centers.
13. Ticket and travel agencies.
14. Kindergartens, nursery schools and child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
15. Cable television system signal distribution centers and studios.
16. Dwelling units, provided the units are not located on the first floor of a structure and provided that at least the first floor is occupied by another permitted use or uses in the P-1 zone, with no mixing of other permitted uses and dwelling units on any floor.
17. Business colleges, technical or trade schools or institutions.
18. Athletic club facilities, when located at least one hundred fifty (150) feet from a residential zone.
19. Beauty shops and barber shops not exceeding 2,000 square feet in floor area, which employ not more than five licensed cosmetologists,

with all service provided only by licensed cosmetologists and/or barbers.

20. Rehabilitation homes, but only when more than five hundred (500) feet from a residential zone.
21. Adult day care centers.

**8-15(c) Accessory Uses** (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Establishments limited to the filling of prescriptions and retail sale of pharmaceutical and medical supplies.
2. Parking areas or structures.
3. Incidental retail sales or personal services, including facilities for serving food, only for employees, residents or visitors to any permitted use, and having no primary access to the exterior; and limited to a maximum of ten percent (10%) of the gross floor area of the building in which it is located, with no single such use being in excess of 5,000 square feet.
4. Sales offices for the display of merchandise and the acceptance of orders.
5. Swimming pools, tennis courts, putting greens, and other similar non-commercial recreational uses.
6. Satellite dish antennas, as further regulated by Article 15-8.
7. One dwelling unit for owners, operators, or employees of a permitted use, provided that such dwelling unit shall be part of the building and located above, to the side, or to the rear of such permitted use.
8. Retail sales and storage areas accessory to internet-based businesses, for which Certificates of Occupancy are issued after November 15, 2001; provided that the retail sales and storage area occupies no more than twenty-five percent (25%) of the business area, nor more than 2,500 square feet, whichever is less; and having no display space, storage space or signs visible from the exterior of the building.
9. Drive-through facilities for the sale of goods or products or the provision of services otherwise permitted herein, when approved by the Planning Commission on a development plan.

**8-15(d) Conditional Uses** (Permitted only with Board of Adjustment approval.)

1. Offices of veterinarians, animal hospitals.
2. Drive-through facilities for sale of goods or products or the provision of services otherwise permitted herein.
3. Parking lots and structures.
4. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
  - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or

- surrounding properties;
  - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
  - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
5. Rehabilitation homes, when located closer than five hundred (500) feet from a residential zone.
  6. Extended-stay hotels, except as permitted in a Professional Office Project.
  7. Day shelters.
  8. Mail service facilities, except as permitted in a Professional Office Project.

8-15(e) Prohibited Uses (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. As for A-R, except offices, institutional uses, dwelling units, and other uses as permitted herein.
2. Any use dependent upon septic tanks or pit privies.
3. Pawn shops.
4. Golf driving ranges.
5. The above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas; and the above- or below-ground storage of more than five (5) gallons of gasoline. However, jet fuel may be stored only in conjunction with a heliport.
6. Greenhouses, plant nurseries, and garden centers.
7. Tattoo parlors.

Lot, Yard, and Height Requirements (See Articles 3 and 15 for additional regulations.)

8-15(f) Minimum Lot Size - 7,500 square feet.

8-15(g) Minimum Lot Frontage - 60 feet.

8-15(h) Minimum Front Yard - 20 feet.

8-15(i) Minimum Each Side Yard - 12 feet.

8-15(j) Minimum Rear Yard - 12 feet.

8-15(k) Minimum Usable Open Space - No

limitation, except where residences are provided, then 10%.

8-15(l) Maximum Lot Coverage - 35% and a floor area ratio of 1.3.

8-15(m) Maximum Height of Building - 3:1 height-to-yard ratio.

8-15(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Athletic Club Facilities - One (1) space for every two hundred (200) square feet of floor area, plus one (1) space for each employee on the maximum working shift.

Offices, Fine Arts Studios, Banks and Financial Establishments, Offices of Veterinarians, and Animal Hospitals, Medical and Dental Offices, Clinics and Laboratories, and the like - One (1) space for each two hundred (200) square feet of floor area.

Telephone Exchanges, Radio and Television Stations - One (1) space for every two (2) employees on a maximum shift; plus one (1) space for each vehicle owned by the use, with a minimum of five (5) spaces.

Elementary and Junior High Schools - One (1) space for every fifteen (15) auditorium seats; or one (1) space for each classroom, plus one (1) space for each employee, whichever is greater.

All Other Schools for Academic Instruction - One (1) space for every five (5) main auditorium seats, or one (1) space for every five (5) gymnasium seats, or one (1) space for every five (5) classroom seats, whichever is greater.

Professional Office Projects - One (1) space for every four hundred (400) square feet of floor area.

Kindergartens, Nursery Schools, and Child Care Centers - Three (3) spaces for the first twelve (12) children, plus one (1) space for every ten (10) (or fraction thereof) additional children.

Churches, Sunday Schools and Parish Houses - One (1) space for each five (5) seats in the main auditorium, with a minimum of five (5) spaces.

Libraries, Museums, Community Centers, Art Galleries and Reading Rooms - One (1) space for each six hundred (600) square feet of floor area.

Funeral Parlors - One (1) space for every five (5) seats under maximum occupancy, plus one (1) for each vehicle owned by the use.

Dwelling Units - One (1) space for each dwelling unit.

Private Clubs - One (1) space for every four (4) members.

Accessory Retail Facilities - One (1) space for every six hundred (600) square feet of floor area for each retail use.

Restaurants - One (1) space for each two hundred (200) square feet of floor area; or one (1) for every four (4) indoor seats plus one (1) for every eight (8) outdoor seats, whichever is greater.

Hospitals, Nursing Homes, Rest Homes, and Rehabilitation Homes - One (1) space for every three (3) beds; plus one (1) space for each employee on the maximum working shift, with a minimum of five (5) spaces.

Assisted Living Facilities - Three (3) spaces for each four (4) bedrooms, plus one (1) space for each employee on the maximum shift.

Extended-Stay Hotels - One (1) space for every dwelling unit, plus one (1) space for each employee on the maximum shift.

Adult Day Care Center - One (1) space for every ten (10) persons being provided care, plus one (1) space per caregiver on the maximum shift.

Day Shelter - One (1) space for every ten (10) persons being provided services, plus one (1) space per staff member on the maximum shift.

Beauty Shops or Barber Shops - One (1) space for every 200 square feet, with a minimum of three (3) spaces.

Mail Service Facilities - One (1) space for each 200 square feet of floor area.

Conditional Uses - Parking requirements stated herein for conditional uses are minimum requirements; the Board of Adjustment may establish additional requirements as needed.

Combinations - Combined uses shall provide parking equal to the sum of the individual requirements.

#### 8-15(o) Special Provisions

1. A Professional Office Project may be permitted by the Planning Commission for a tract of land with a minimum of ten (10) acres, upon the approval of a preliminary development plan and a final development plan as provided in Article 21, and subject to the P-1 zone regulations.

Subdivision of land in a Professional Office Project is permitted, subject to the following regulations:

- a. There shall be no minimum lot size, lot frontage, yard or open space, nor maximum lot coverage or height requirements for each subdivided lot; however, all said requirements for the approved final development plan shall be applicable to the subdivision.
- b. Each subdivided lot shall have access to adjacent streets or joint parking areas, as provided by appropriate easements shown on the final development plan and the final record plan.

In addition to the uses otherwise permitted in the Professional Office zone, the following uses shall be permitted in the Professional Office Project:

#### As a principal permitted use:

1. Extended-Stay Hotels.
2. Mail Service Facilities.

#### As accessory uses:

1. Receiving, shipping, and storage of new fixtures, equipment and other non-perishable materials for distribution to corporate or affiliated units subsidiary to the tenant(s) of a principal structure. Such activity, including loading and unloading, shall be conducted entirely within the walls of the principal structure and shall be limited to a maximum of twenty percent (20%) of the total floor area of said principal structure.
2. Shoe repair, clothing alteration or tailoring services.

#### As conditional uses:

1. Helistops and heliports, provided such facilities conform to the requirements of all appropriate Federal, State and local regulations.
2. Beauty shops and barber shops, with no restrictions.

In addition to the uses otherwise permitted in the Professional Office zone, the following accessory use shall be permitted in a P-1 area of at least twenty (20) contiguous acres:

Restaurant(s), with or without a cocktail lounge, entertainment, dancing, and sale of alcoholic beverages, provided it meets the following conditions:

- a. It shall be located in an office building containing a minimum of 40,000 square feet of floor area.
- b. It shall occupy not more than twenty-five percent (25%) of the building in which it is located.
- c. It shall have no more than one public entrance and one service entrance directly to the outside of the building, and that this use shall be at least one hundred fifty (150) feet from any residential zone.
- d. It shall have no drive-in or drive-through food service.
- e. There shall be no more than two restaurants within an office building, provided that the 25%

- limitation is not exceeded.
- f. Signs permitted per office building may be used to identify the restaurant and/or the office use.
2. Where dwelling units are provided and the Planning Commission has approved a final development plan, the required parking spaces may be reduced, when specific permission is given by the Commission to reduce said required parking by not more than one percent (1%) for each one percent (1%) of additional useable open space that is provided over the minimum. Also, for every one percent (1%) of the dwelling units that will be provided as a mixed-income housing unit, the Commission may decrease the required parking by one percent (1%). In any case, the maximum parking reduction shall not exceed the minimum parking otherwise required in the zone by more than ten percent (10%) by only providing additional open space or only providing mixed-income housing, or twenty-five percent (25%) by using a combination of mixed-income housing and additional open space.

## **8-16 NEIGHBORHOOD BUSINESS (B-1) ZONE**

**8-16(a) Intent** - This zone is intended to accommodate neighborhood shopping facilities to serve the needs of the surrounding residential area. Generally, they should be planned facilities and should be located as recommended in the Comprehensive Plan. This zone should be oriented to the residential neighborhood, and should have a roadway system which will be adequate to accommodate the anticipated vehicular traffic.

**8-16(b) Principal Uses** (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Banks, credit agencies, security and commodity brokers and exchanges, credit institutions, savings and loan companies, holding and investment companies.
2. Offices for business, professional, governmental, civic, social, fraternal, political, religious and charitable organizations; including, but not limited to, real estate sales offices.
3. Research development and testing laboratories or centers.
4. Schools for academic instruction.
5. Libraries, museums, art galleries and reading rooms.
6. Funeral parlors.
7. Medical and dental offices, clinics and laboratories.
8. Telephone exchanges, radio and television studios.
9. Studios for work or teaching of fine arts, such as photography; music; drama; dance and theater.
10. Community centers and private clubs, churches and Sunday schools.
11. Nursing homes, rest homes and assisted living facilities.
12. Computer and data processing centers.
13. Ticket and travel agencies.
14. Kindergartens, nursery schools and child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
15. Business colleges, technical or trade schools or institutions.
16. Rehabilitation homes; but only when more than 500 feet from a residential zone, school for academic instruction or a child care center.
17. Establishments for the retail sale of food products, such as supermarkets; dairy, bakery, meat, beer, liquor, and wine and other food product stores; and provided that production of food products is permitted only for retail sale on the premises.
18. Restaurants, and brew-pubs, except as prohibited under Sections 8-16(e)(14) and (15), which offer no live entertainment or dancing.
19. Establishments for the retail sale of merchandise, including: clothing, shoes, fabrics, yard goods; fixtures, furnishings, and appliances, such as floor covering, radios, TV, phonograph products and other visual and sound reproduction or transmitting equipment; furniture; kitchen and laundry equipment; glassware and china; and other establishments for the retail sale of hardware and wallpaper, lawn care products, paint and other interior or exterior care products, hobby items, toys, gifts, antiques, newspapers and magazines, stationery and books, flowers, music, cameras, jewelry and luggage, business supplies and machines; prescription and non-prescription medicines and medical supplies.
20. Beauty shops and barber shops.
21. Shoe repair, clothing alterations and tailoring services.
22. Self service laundry or laundry pick-up stations, including clothes cleaning establishments of not more than 40 pounds capacity and using a closed-system process.
23. Automobile service stations, provided such use conforms to all requirements of Article 16.
24. Parking structures; provided such use conforms to the conditions of Article 16, and provided that at least twenty-five percent (25%) of the first floor is occupied by another permitted use or uses in the B-1 zone.
25. Repair of household appliances.
26. Retail sale of plant nursery or greenhouse products, except as prohibited herein.
27. Miniature golf or putting courses.
28. Quick copy services utilizing xerographic or similar processes, but not utilizing offset printing methods.
29. Carnivals on a temporary basis; and upon issuance of a permit by the Division of Building Inspection, which may restrict the permit in terms of time, parking, access, or in other ways to protect public health, safety, or welfare; or deny such if public health, safety, or welfare is adversely affected. A carnival may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.
30. Indoor theaters, limited to three screens or stages.
31. Rental of equipment whose retail sale would be permitted in the B-1 zone.
32. Dwelling units, provided the units are not located on the first floor of a structure; and provided that at least the first floor is occupied by another permitted use or uses in the B-1 zone, with no mixing of other permitted uses and dwelling units on any floor.
33. Arcades, including pinball and electronic games.
34. Pawnshops, which: (1) were in operation prior to August 31, 1990 and in compliance with the provisions of KRS 226.010 et seq. and Code of Ordinances, Sections 13-52 and 13-53; or (2) had on file with the Lexington-Fayette Urban County

Government, prior to August 31, 1990, an application for a business license or certificate of occupancy.

35. Athletic club facilities.
36. Banquet facilities.
37. Adult day care centers.
38. Animal grooming facilities.
39. Mail service facilities.
40. Tattoo parlors.
41. Form-based neighborhood business project, as per 8-16(o)(3).

8-16(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Parking areas or structures.
2. One (1) dwelling unit for owners, operators, or employees of a permitted use, provided that such dwelling unit shall be a part of the building and located above or to the rear of such permitted uses.
3. Warehousing, wholesaling, and storage, excluding outdoor storage; and provided that no building for such accessory use shall have openings other than stationary windows or solid pedestrian doors within 100 feet of any residential zone.
4. The sale of malt beverages, wine or alcoholic beverages, when accessory to a restaurant permitted under Section 8-16(b)(3). Such accessory use shall not devote more than twenty-five percent (25%) of its public floor area primarily to the preparation and service of such beverages, nor provide any separate outside entrances or separate identification signs for those areas.
5. Satellite dish antennas, as further regulated by Article 15-8.
6. One or two pool or billiard tables within an establishment.
7. Sidewalk cafes, when accessory to any permitted restaurant.
8. Retail sale of liquid propane (limited to 20-lb. containers), when accessory to the retail sale of merchandise or an automobile service station permitted under Article 8-16(b).
9. Indoor live entertainment and/or dancing, when accessory to a restaurant, brew-pub or banquet facility; but only when located more than 100 feet from a residential zone.
10. Drive-through facilities for the sale of goods or products, or the provision of services otherwise permitted herein, when approved by the Planning Commission on a development plan.

8-16(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. Self-service car washes, provided that surface

water from such establishments shall not drain onto adjacent property, and that adequate on-site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.

2. Animal hospital or clinic, provided that all exterior walls are completely soundproofed; and further provided that animal pens shall be completely within the principal building and used for the medical treatment of small animals.
3. The rental of trucks (single rear axle - 28' maximum overall length), trailers and related items in conjunction with the operation of an automobile service station; provided that the service station abuts a state or federal highway. No more than five (5) trucks shall be stored for longer than 48 hours on any service station. A site plan shall be submitted for the approval of the Board of Adjustment for the continued control of such activity and shall show the entire property, buildings, signs, parking and location of the proposed storage area.
4. A restaurant or brew-pub, without live entertainment or dancing, which devotes more than twenty-five percent (25%) of its public floor area primarily to the preparation and service of malt beverages, wine or alcoholic beverages.
5. Outdoor live entertainment and/or dancing, cocktail lounges or nightclubs [unless prohibited under Sections 8-16(e)(14) and (15)]. Such uses shall be located at least 100 feet from any residential zone; and indoor uses shall be sound-proofed to the maximum extent feasible by using existing technology, with noise or other emissions not creating a nuisance to the surrounding neighborhood. The Board may also impose time restrictions to minimize nuisance to the surrounding neighborhood.
6. Indoor live entertainment and/or dancing, when accessory to a restaurant, brew-pub or banquet facility; but only when located closer than 100 feet from a residential zone.
7. Upholstery shop.
8. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
  - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
  - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
  - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
9. Gasoline pumps available to the public without an employee on site, provided a plan is approved by the



Board of Adjustment for periodic inspection of the site by an employee for the following purposes:

- a. To check all operating equipment;
  - b. To check fire suppression system(s);
  - c. To check the condition of the fire alarm(s);
  - d. To check for indications of fuel leaks and spillage;
  - e. To remove trash from the site;
  - f. To monitor the general condition of the site.
10. Rehabilitation homes, but only when located closer than 500 feet from a residential zone, school for academic instruction or a child care center.
  11. Temporary structures designed for use or occupancy for 61 to 180 days per 12-month period on a single property, calculating said period by cumulative consideration of the use of any and all such structures on a single property.
  12. Circuses, provided all structures are located not less than 200 feet from any residential zone; and further provided that all structures for housing animals shall be two hundred (200) feet from any residential zone, residential use, school, hospital, nursing or rest home. A circus may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.
  13. Automobile and vehicle refueling stations, provided such uses conform to all requirements of Article 16.
  14. Day shelters.
  15. Extended-stay hotels.
  16. Parking lots, provided such use conforms to the conditions of Article 16.
  17. Drive-through facilities for the sale of goods or products, or the provision of services otherwise permitted herein, except as accessory uses herein.

8-16(e) Prohibited Uses (All uses other than those listed as principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. Establishments primarily engaged in agricultural sales and services.
2. Warehouses, as well as storage uses, except as accessory uses herein.
3. Shops of special trade and general contractors, such as plumbing; heating; carpentry; masonry; plastering; painting; metal work; printing; electrical; sign painting; tile, mosaic and terrazzo work; electroplating; drilling; excavating; wrecking; construction; and

paving. This is not intended to prohibit the administrative offices of such.

4. Manufacturing, compounding, assembling, bottling, processing and packaging and other industrial uses for sale or distribution other than as retail on the premises.
5. Truck terminals and freight yards; transfer stations.
6. Amusement enterprises, such as outdoor theaters; automobile racing; horse racing.
7. Kennels, outdoor runways, or pens for animals.
8. Establishments engaged in the display, rental, sales, service and major repair of automobiles, repair of motorcycles, boats, trucks, travel trailers, farm implements, contractors' equipment, mobile homes, and establishments primarily engaged in the sale of supplies and parts for any of the above-mentioned vehicles or equipment, except as permitted herein.
9. Establishments for cleaning, dyeing, laundering and the like, other than self-service and pickup stations, except for clothes cleaning establishments of not more than forty (40) pounds capacity and using a closed-system process.
10. Dwellings, except as permitted herein.
11. Hotel or motel, boarding house.
12. Wholesale establishments.
13. Greenhouses, nurseries, hatcheries.
14. Establishments offering live entertainment in which a person simulates any sexual act or in which a person is unclothed, or in such attire, costume, or clothing as to expose to view any portion of the female breast below the top of the areola, the male or female genitalia, or the buttocks.
15. Establishments at which any employee is unclothed or in the attire, costume or clothing described above, or is clothed in such a manner as to simulate the breast, genitalia, buttocks, or any portion thereof.
16. Establishments having as a substantial or significant portion of their stock in trade for sale, rent or display: pictures, books, periodicals, magazines, appliances and similar material, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to such sexual activities as (a) depiction of human genitals in a state of sexual stimulation or arousal; (b) acts of human masturbation, sexual intercourse or sodomy; or (c) holding or other erotic touching of human genitals, pubic region, buttocks or breasts.
17. Indoor motion picture theaters having as a substantial or significant portion of their use the presentation of material having as a dominant theme or characterized or distinguished by an emphasis on matter depicting, describing or relating to such sexual activities as (a) depiction of human genitals in a state of sexual stimulation or arousal; (b) acts of human masturbation, sexual intercourse or sodomy; or (c) holding or other erotic touching of human genitals, pubic region, buttocks or breasts.
18. Above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas.
19. Pawnshops, except as permitted herein.

- 20. Pool or billiard halls.
- 21. Hospitals.

Lot, Yard, and Height Requirements (See Articles 3 and 15 for additional regulations.)

8-16(f) Minimum Lot Size - No limitation.

8-16(g) Minimum Lot Frontage - No limitation.

8-16(h) Minimum and Maximum Front Yard:

- a. Minimum - 10 feet.
- b. Maximum - 20 feet.

8-16(i) Minimum Each Side Yard - No limitation.

8-16(j) Minimum Rear Yard - No limitation.

8-16(k) Minimum Usable Open Space - No limitation, except where dwelling units are provided as principal uses; then 10%.

8-16(l) Maximum Lot Coverage - No limitation.

8-16(m) Maximum Height of Building - 35 feet, except as permitted in Section 8-16(o)(3).

8-16(n) Off-Street Parking (See Article 16 for additional parking regulations.)

As for P-1.

Accessory Warehousing, Wholesaling, Storage and the like - One (1) space for every 600 square feet of floor area.

Accessory Dwellings - One (1) space per dwelling unit.

Shoe Repair Shops, Clothing Alterations, Tailoring Services and Tattoo Parlors - One space for every 200 square feet, with a minimum of three (3) spaces.

Restaurants and Brew-Pubs with no live entertainment or dancing - One (1) space for every 200 square feet of floor area; or one (1) space for every four (4) indoor seats, plus one (1) for every eight (8) outdoor seats, whichever is greater.

Cocktail Lounges, Night Clubs, Banquet Facilities or Restaurants and Brew-Pubs with live entertainment or dancing - One (1) space for every 150 square feet; or one (1) space for every three (3) indoor seats plus one (1) for every six (6) outdoor seats, whichever is greater.

Retail Uses - For the first 10,000 square feet, one (1) space for every 400 square feet of floor area, with a minimum of three spaces; for all floor area

exceeding the first 10,000 square feet, one (1) space for every 200 square feet. Combined uses located in a single building shall calculate required parking on the total square footage of the building and not the individual retail uses therein.

Self-Service Laundry - One (1) space for every six (6) machines (washers, dryers, and the like.)

Indoor Theaters - One (1) space for every five (5) seats.

Miniature Golf or Putting Course - One and one-half (1½) spaces per hole.

Arcades, with or without accessory billiard or pool tables - One (1) space for every 250 square feet of floor area.

Animal Grooming Facilities - One (1) space for every 200 square feet, with a minimum of three (3) spaces.

Combined Uses - Combined uses shall provide parking equal to the sum of the individual uses.

8-16(o) Special Provisions:

1. No building to be used principally as a single use or establishment shall exceed 40,000 square feet in floor area unless approved by the Planning Commission prior to December 10, 2013 for at least 40,000 square feet in size. No such structure may exceed 60,000 square feet in size, in any event.
2. Where dwelling units are provided and the Planning Commission has approved a final development plan, the required parking spaces may be reduced when specific permission is given by the Commission to reduce said required parking by not more than one percent (1%) for each one percent (1%) of additional useable open space that is provided over the minimum. Also, for every one percent (1%) of the dwelling units that will be provided as a mixed-income housing unit, the Commission may decrease the required parking by one percent (1%). In any case, the maximum parking reduction shall not exceed the minimum parking otherwise required in the zone by more than ten percent (10%) by only providing additional open space or only providing additional open space mixed-income housing; or twenty-five percent (25%) by using a combination of mixed-income housing and additional open space.
3. A form-based neighborhood business project may be approved by the Planning Commission on any site over one (1) acre in size. For any such project, a final development plan shall be approved by the Planning Commission prior to issuance of any building permit. The lot, yard, height and setback requirements will be those established by the Commission on the approved development plan, rather than those stated above. In addition to the development plan, an applicant seeking approval of

a form-based neighborhood business project shall be required to submit an area character and context study prepared by an architect or urban design professional. The study will document the architectural and urban design character of the area. It shall demonstrate, through the use of renderings, elevations and similar graphic materials, how the proposed project will enhance and complement the area's character. It will also show its integration with the surrounding neighborhood by using positive design features, such as supplemental landscaping; provision of public space and open space buffers; and improved pedestrian accommodations. These drawings shall be made a part of the Commission's approval, and building permits shall comply with the approved drawings. A form-based neighborhood business project shall not be subject to the square footage limitation of 8-16(o)(1) above.

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## **8-17 DOWNTOWN BUSINESS (B-2) ZONE**

8-17(a) Intent - This zone is intended to accommodate existing and future development in the Central Business District.

8-17(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. The principal permitted uses in the B-1 zone.
2. Amusement enterprises, such as indoor billiard or pool halls; indoor theaters; bowling alleys; dance halls; skating rinks.
3. Restaurants, cocktail lounges and nightclubs, with entertainment, dancing or the sale of alcoholic beverages.
4. Establishments for the display, rental, or sale of automobiles, motorcycles, trucks not exceeding one and one-half (1½) tons, and boats limited to runabout boats; provided that the outdoor display or storage of vehicles shall conform to the requirements of Article 16.
5. Establishments engaged in blueprinting, printing, publishing and lithographing; interior decorating; upholstering; laundering, clothes cleaning and dyeing; clothing alterations and tailoring services.
6. Hotels and motels.
7. Passenger transportation terminals.
8. Any type of dwelling unit.
9. Wholesale establishments.
10. Minor automobile and truck repair.
11. Establishments primarily engaged in the sale of supplies and parts for vehicles and farm equipment.
12. Pawnshops.
13. Stadium and exhibition halls.
14. Telephone exchanges; radio and television studios.
15. Cable television system signal distribution centers and studios.
16. Animal hospitals or clinics, provided all exterior walls are completely soundproofed and all animal pens are completely within the principal building and used only for the medical treatment of small animals.
17. Athletic club facilities.
18. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers; provided that none shall be located within a 500-foot radius of any agricultural or residential zone, any elementary or secondary school, any park attended by persons under 18 years of age, or within a 1,000-foot radius of any other similarly regulated adult business.
19. Parking lots and structures, provided such use conforms to the conditions of Article 16.

8-17(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Storage, wholesaling, and warehousing.
2. Storage yards for delivery vehicles of a permitted use.
3. Sidewalk café, when accessory to any permitted restaurant.
4. Major automobile and truck repair, when accessory to an establishment primarily engaged in the sale of automobiles and trucks.
5. Satellite dish antennas, as further regulated in Article 15-8.
6. Micro-brewery, when accessory to a restaurant permitted herein; shall be located at least 100 feet from a residential zone, and shall be soundproofed to the maximum extent feasible by using existing technology, with noise or other emissions not creating a nuisance to the surrounding neighborhood.
7. Parking areas or structures.

8-17(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. Helistops, provided such facilities conform to the requirements of all appropriate federal, state and local regulations.
2. Drive-through facilities for sale of goods or products or provision of services otherwise permitted herein.
3. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
  - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
  - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
  - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
4. Adult arcades, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers, except as permitted herein; provided none shall be located within a 500-foot radius of any elementary or secondary school, any park attended by persons under 18 years of age, or within a 1,000-foot radius of any other similarly regulated adult business.
5. Gasoline pumps available to the public without an employee on site, provided a plan is approved by the Board of Adjustment for periodic inspection of the site by an employee for the following purposes:
  - a. To check all operating equipment;
  - b. To check fire suppression system(s);
  - c. To check the condition of the fire alarm(s);

- d. To check for indications of fuel leaks and spillage;
- e. To remove trash from the site;
- f. To monitor the general condition of the site.
- 6. Rehabilitation homes, when located closer than 500 feet from a residential zone, school for academic instruction or a child care center.
- 7. Temporary structures designed for use or occupancy for 61 to 180 days per 12-month period on a single property, calculating said period by cumulative consideration of the use of any and all such structures on a single property.
- 8. Circuses, provided all structures are located not less than 200 feet from any residential zone; and further provided that all structures for housing animals shall be 200 feet from any residential zone, residential use, school, hospital, nursing home or rest home. A circus may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.
- 9. Automobile and vehicle refueling stations, provided such use conforms to all requirements of Article 16.
- 10. Day shelters.

8-17(e) Prohibited Uses (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

- 1. The prohibited uses in the B-1 zone, items 1 through 7, except as permitted herein.
- 2. Outdoor kennels or outdoor animal runs.
- 3. Establishments engaged in the display, rental, or repair of farm equipment, trucks exceeding one and one-half (1½) tons, and contractor's equipment.
- 4. The above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas.
- 5. Hospitals.

Lot, Yard and Height Requirements (See Articles 3 and 15 for additional regulations.)

8-17(f) Minimum Lot Size - No limitation.

8-17(g) Minimum Lot Frontage - No limitation.

8-17(h) Minimum Front Yard - No limitation.

8-17(i) Minimum Each Side Yard - No limitation.

8-17(j) Minimum Rear Yard - No limitation.

8-17(k) Minimum Usable Open Space - No limitation (except that residential uses shall provide useable open space equal to not less than 10% of only those floors occupied by dwelling units).

8-17(l) Maximum Lot Coverage - No limitation.

8-17(m) Maximum Height of Building - No limitation.

8-17(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Dwelling Units - No requirements, except for buildings with 25 or more dwelling units; then one (1) space for every 2,000 square feet of residential floor area.

All Other Permitted Uses - Off-street parking not required.

Off-street loading shall be as required in Article 16.

8-17(o) Special Provisions:

- 1. For any development within the Urban Renewal Project Area, all provisions of the Urban Renewal Plan shall take precedence over any provisions of this B-2 zone where such provisions are more restrictive than those set out in this zone.
- 2. For those floors of buildings containing dwelling units with windows for habitable rooms, there shall be provided a height-to-yard ratio of 3:1 for light and air. Public street right-of-way width may be used as part of this setback requirement, except that a minimum setback of five (5) feet from the property line, other than property lines adjoining street right-of-way, shall be required in any case. No setback shall be required for those floors containing non-residential uses or dwelling unit walls without windows.
- 3. Redevelopment of any site shall comply with the Downtown Streetscape Master Plan for Lexington, Kentucky.

**8-18 DOWNTOWN FRAME BUSINESS (B-2A) ZONE**

8-18(a) Intent - This zone is intended to accommodate existing and proposed development in the transitional "frame," which surrounds the downtown core area, by providing for comparable and compatible uses while anticipating the future expansion of the downtown core area.

8-18(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. The principal permitted uses in the B-2 zone.

8-18(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. The permitted accessory uses in the B-2 zone.

8-18(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. The permitted conditional uses in the B-2 zone.

8-18(e) Prohibited Uses (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. The prohibited uses in the B-2 zone.

Lot, Yard, and Height Requirements (See Articles 3 and 15 for additional regulations.)

8-18(f) Minimum Lot Size - No limitation.

8-18(g) Minimum Lot Frontage - No limitation.

8-18(h) Minimum Front Yard - 10 feet.

8-18(i) Minimum Each Side Yard - No limitation, except that side street side yard shall be ten (10) feet.

8-18(j) Minimum Rear Yard - No limitation.

8-18(k) Minimum Usable Open Space - No limitation, except that residential uses shall provide useable open space equal to not less than ten percent (10%) of only those floors occupied by dwelling units.

8-18(l) Maximum Lot Coverage - No limitation.

8-18(m) Maximum Height of Building - Three (3) stories, or 35 feet, except that buildings up to ten (10) stories shall be permitted if the Planning Commission approves a development plan; and for every story in excess of three (3) stories, one percent (1%) of the total lot area shall be added to the otherwise required front yard, or such area shall be provided as ground level open space on land adjoining the right-of-way.

8-18(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Twenty-five percent (25%) of the least parking area required in any zone, other than the B-2 or B-2B zones which permit the principal or a similar use. Off-street loading and unloading areas shall be as required in Article 16.

8-18(o) Special Provisions:

1. Redevelopment of any site shall comply with the Downtown Streetscape Master Plan for Lexington, Kentucky.

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## **8-19 LEXINGTON CENTER BUSINESS (B-2B) ZONE**

**8-19(a) Intent** - This zone is intended to ensure compatible land uses, the preservation of existing attractions compatible with the Lexington Center, and the encouragement of new uses necessary to the proper development of the downtown area. The permitted land uses in the zone should have some logical relation to the Lexington Center and to the downtown core, should promote tourism, should promote the economic health of the community, should provide for an aesthetically pleasing environment, and should prevent the creation of influences adverse to the prospering of the Lexington Center and the downtown area.

**8-19(b) Principal Uses** (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Civic Center and convention facilities.
2. Banks, credit agencies, security and commodity brokers and exchanges, credit institutions; savings and loan companies, holding and investment companies.
3. Offices and clinics.
4. Schools for academic instruction.
5. Libraries, museums, art galleries, and reading rooms.
6. Studios for work or teaching of fine arts, such as photography, music, drama, dance or theater.
7. Churches, Sunday schools, and parish houses.
8. Ticket and travel agencies.
9. Restaurants, cocktail lounges and nightclubs, including those serving alcoholic beverages and/or offering live entertainment, except as prohibited under Section 8-19(e).
10. Establishments for the retail sale of primarily new merchandise.
11. Beauty shops and barber shops.
12. Shoe repair, clothing alterations or tailoring services.
13. Retail sale of plant, nursery or greenhouse products, or agricultural produce.
14. Hotels or motels.
15. Any type of residential use.
16. Antique shops.
17. Establishments for the display, rental or sale of automobiles, motorcycles, trucks not exceeding one and one-half (1½) tons, and boats limited to runabout boats; provided that the outdoor display or storage of vehicles shall conform to the requirements of Article 16.
18. Amusement enterprises, such as circuses; carnivals; horse racing or automobile racing, provided such activity is operated on a temporary basis of a duration not exceeding two weeks.

19. Establishments engaged in blueprinting, printing, publishing, and lithography; interior decoration and upholstering; repair of household appliances.
20. Bookstores, except as prohibited under Section 8-19(e).
21. Indoor amusement enterprises, such as motion picture theaters, except as prohibited under Section 8-19(e); billiard or pool halls; bowling alleys; dance halls, skating rinks; and arcades.
22. Computer and data processing centers.
23. Telephone exchanges, radio and television studios.
24. Cable television system signal distribution centers and studios.
25. Private clubs, except as prohibited under Sections 8-19(e)(7, 8 and 9).
26. Kindergartens, nursery schools and child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain not less than 25 square feet per child.
27. Pawnshops which: (1) were in operation prior to August 31, 1990 and in compliance with the provisions of KRS 226.010 et seq. and Code of Ordinances, Sections 13-52 and 13-53; or (2) had on file with the Lexington-Fayette Urban County Government, prior to August 31, 1990, an application for a business license or certificate of occupancy.

**8-19(c) Accessory Uses** (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Storage area for delivery vehicles of a permitted use.
2. Sidewalk café, when accessory to any permitted restaurant.
3. Health clubs, athletic clubs and spas, when operated solely for the use of occupants of residential uses, employees, tenants and owners of office uses, or registered guests of hotels and motels.
4. Major automobile and truck repair, when accessory to an establishment primarily engaged in the sale of automobiles and trucks.
5. Parking lots and parking structures, when accessory to principal permitted uses.
6. Satellite dish antennas, as further regulated by Article 15-8.
7. Micro-brewery, when accessory to a restaurant permitted herein; shall be located at least 100 feet from a residential zone, and shall be soundproofed to the maximum extent feasible by using existing technology, with noise or other emissions not creating a nuisance to the surrounding neighborhood.

**8-19(d) Conditional Uses** (Permitted only with Board of Adjustment approval.)

1. Automobile service stations at which only minor automobile and truck repair is performed, and provided such use conforms to all requirements of Article 16.
2. Automobile rental facilities; parking lots and parking

structures, when not accessory to a principal permitted use, provided such uses conform to all requirements of Article 16.

3. Secondhand shops.
4. Self-service laundry or laundry pick-up stations, including clothes cleaning establishments of not more than forty (40) pounds capacity and using a closed-system process.
5. Helistops, provided such facilities conform to the requirements of all appropriate Federal, State and local regulations.
6. Drive-through facilities for sale of goods or products or provision of services otherwise permitted herein.
7. Health clubs, athletic clubs and spas, except as a permitted in 8-19(c)(3).
8. Recycling drop-off centers for aluminum; steel; plastic; glass; newspapers; cardboard and other paper products; oil and other household recyclable waste, provided that such an establishment shall be located at least 200 feet from any residential zone. Any appeal for a conditional use permit to operate a recycling drop-off center shall include as part of the application: Reasons for the location of the proposed use at a specific site, description of equipment to be used, physical arrangement, and operation of the proposed center. The Board of Adjustment shall consider the necessity of screening, if needed.
9. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
  - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
  - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
  - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
10. Gasoline pumps available to the public without an employee on site, provided a plan is approved by the Board of Adjustment for periodic inspection of the site by an employee for the following purposes:
  - a. To check all operating equipment;
  - b. To check fire suppression system(s);
  - c. To check the condition of the fire alarm(s);
  - d. To check for indications of fuel leaks and spillage;
  - e. To remove trash from the site;

f. To monitor the general condition of the site.

11. Temporary structures designed for use or occupancy for 61 to 180 days per 12-month period on a single property, calculating said period by cumulative consideration of the use of any and all such structures on a single property.
12. Tattoo parlors.

8-19(e) Prohibited Uses (All uses other than those listed as principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. Establishments primarily engaged in agricultural equipment sales and services.
2. Warehouse, as well as storage uses, except as accessory uses herein.
3. Shops of special trade and general contractors, such as plumbing; heating; carpentry; masonry; plastering; painting; metal work; electrical; sign painting; tile, mosaic and terrazzo work; electroplating; drilling; excavating; wrecking, construction and paving. This is not intended to prohibit administrative offices of such.
4. Manufacturing, compounding, assembling, bottling, processing and packaging, and other industrial uses for sale or distribution other than as retail on the premises.
5. Truck terminals and freight yards.
6. Drive-in restaurants or drive-in theaters.
7. Establishments offering live entertainment in which a person is unclothed, or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola, the male or female genitalia, or the buttocks.
8. Establishments at which any employee is unclothed or in the attire, costume, or clothing described above, or is clothed in such a manner as to simulate the breast, genitalia, buttocks, or any portion thereof.
9. Establishments having as a substantial or significant portion of their stock in trade for sale, rent or display, pictures, books, periodicals, magazines, appliances and similar material which are distinguished or characterized by their emphasis on matter depicting, describing or relating to such sexual activities, as (a) depiction of human genitals in a state of sexual stimulation or arousal; (b) acts of human masturbation, sexual intercourse or sodomy, or (c) holding or other erotic touching of human genitals, pubic region, buttocks or breasts.
10. Animal kennels, hospitals, clinics, outdoor runways or pens, and animal grooming facilities.
11. The above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas.
12. Pawnshops, except as permitted herein.

Lot, Yard, and Height Requirements (See Articles 3 and 15

for additional regulations.)

8-19(f) Minimum Lot Size - No limitation.

8-19(g) Minimum Lot Frontage - No limitation.

8-19(h) Minimum Front Yard - No limitation.

8-19(i) Minimum Each Side Yard - No limitation.

8-19(j) Minimum Rear Yard - No limitation.

8-19(k) Minimum Usable Open Space - No limitation, except that 10% shall be required for any residential area.

8-19(l) Maximum Lot Coverage - No limitation.

8-19(m) Maximum Height of Building - No limitation.

8-19(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Dwelling Units - No requirements, except for buildings with 25 or more dwelling units: then one (1) space for every 2,000 square feet of residential floor area.

Hotels or Motels - One (1) space per suite, with a minimum of five (5) spaces.

8-19(o) Special Provisions:

1. For any development within the Urban Renewal Project Area, all provisions of the Urban Renewal Plan shall take precedence over any provisions of this B-2B zone where such provisions are more restrictive than those set in this zone.
2. Redevelopment of any site shall comply with the Downtown Streetscape Master Plan for Lexington, Kentucky.

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**8-20 HIGHWAY SERVICE BUSINESS (B-3)**  
**ZONE**

8-20(a) Intent - This zone is intended to provide for retail and other uses, which are necessary to the economic vitality of the community but may be inappropriate in other zones. The Comprehensive Plan should be used to determine the locations for this zone. Special consideration should be given to the relationship of the uses in the zone to the surrounding land uses and to the adequacy of the street system to serve the traffic needs.

8-20(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
2. Automobile service stations, subject to the conditions of Article 16.
3. Restaurants, cocktail lounges and nightclubs, with entertainment, dancing, and/or sale of alcoholic beverages.
4. Car washing establishments, provided that surface water from such use shall not drain onto adjacent property or over a public sidewalk, and that adequate on-site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.
5. Motel or hotel.
6. Indoor amusements, such as billiard or pool halls; dancing halls; skating rinks; miniature golf or putting courses; theaters or bowling alleys.
7. Self-service laundry, laundry pick-up station, or clothes cleaning establishments of not more than forty (40) pounds capacity and using a closed-system process.
8. Garden centers.
9. Kennels, animal hospitals or clinics, including offices of veterinarians, provided that such structures or uses, not including accessory parking areas, shall be at least 100 feet from any residential zone.
10. Drive-in restaurants, provided that all outside food service areas shall be at least 100 feet from any residential zone.
11. Establishments for the retail sale of merchandise as permitted in the B-1 zone, unless prohibited by Section 8-20(e).
12. Minor automobile and truck repair.
13. Banks, credit agencies, security and commodity brokers and exchanges, credit institutions, savings and loan companies, holding and investment companies.

14. Beauty shops and barber shops.
15. Shoe repair, clothing alteration, tailoring services and tattoo parlors.
16. Carnivals on a temporary basis, and upon issuance of a permit by the Division of Building Inspection, which may restrict the permit in terms of time, parking, access or in other ways to protect public health, safety, or welfare; or deny such if public health, safety or welfare are adversely affected. A carnival may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.
17. Offices and medical clinics.
18. Taxidermy establishments.
19. Quick copy services utilizing xerographic or similar processes, but not utilizing offset printing methods.
20. Business colleges, technical or trade schools or institutions.
21. Schools for academic instruction.
22. Kindergartens, nursery schools and child care centers, where enrollment of children is sponsored and licensed by established churches and non-profit community-based groups, and/or where enrollment may be limited to children of employees and staff of an office, business or commercial establishment which is located on or abutting the same lot as the proposed child care facility. A fenced and screened play area shall be provided in an area, located a minimum of ten (10) feet from a collector or arterial street, and shall contain not less than 25 square feet per child.
23. Pawnshops which: (1) were in operation prior to August 31, 1990 and in compliance with the provisions of KRS 226.010 et seq. and Code of Ordinances, Sections 13-52 and 13-53; or (2) had on file with the Lexington-Fayette Urban County Government, prior to August 31, 1990, an application for a business license or certificate of occupancy.
24. Athletic club facilities.
25. Parking lots and structures.
26. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers, provided that none shall be located within a 500-foot radius of any agricultural or residential zone, any elementary or secondary school, any park attended by persons under 18 years of age, or within a 1,000-foot radius of any other similarly regulated adult business.
27. Commissaries for preparation of food for restaurant use.
28. Retail sale of automotive parts with storage and distribution of inventory to other local establishments under the same ownership, when such use is at least 200 feet from a residential zone.
29. Automobile and vehicle refueling stations, provided such uses conform to all requirements of Article 16.

8-20(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Wholesale, warehouse, and storage facilities.
2. Parking areas and structures.
3. Swimming pools.
4. Newsstands and retail shops when accessory to a motel or hotel, provided there are no exterior entrances or signs visible from outside the structure in which they are located.
5. Not more than one (1) dwelling unit for owners, operators, or employees of a permitted use, provided that such dwelling unit shall be a part of and located above or to the rear of such permitted use.
6. Major automobile and truck repair, when accessory to an establishment primarily engaged in the sale of automobiles and trucks.
7. Drive-through facilities for sale of goods or products or provision of services otherwise permitted herein.
8. Satellite dish antennas, as further regulated by Article 15-8.
9. Pawnshops which are accessory to an establishment primarily engaged in the retail sale of jewelry. Not less than fifty percent (50%) of the gross revenue of such establishments shall come from the retail sale of jewelry.
10. Micro-brewery, when accessory to a restaurant permitted herein; and shall be located at least 100 feet from a residential zone and shall be soundproofed to the maximum extent feasible by using existing technology, with noise or other emissions not creating a nuisance to the surrounding neighborhood.
11. Retail sale of liquid propane (limited to 20-lb. containers), when accessory to the retail sale of merchandise or an automobile service station permitted under Article 8-20(b).

8-20(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

Required conditions for any conditional use permitted herein shall be as follows:

Any conditional use shall be located, in relationship to the arterial roadway system, so that the conditional use has a minimal effect on the adjoining streets and the surrounding uses.

Any outdoor theater screen or illuminated scoreboard or other similar surface shall not be visible from any street for a distance of 1,000 feet from said structure.

Entrances of ingress or egress, acceleration lanes, and deceleration lanes shall be provided in conformance with requirements as established by the Urban County Traffic Engineer.

1. Indoor and outdoor athletic facilities that may

- also require buildings which, as a result of their size and design, are not compatible with residential and business zones, but would be compatible in a Highway Service Business (B-3) zone, such as a field house; gymnasium; football stadium; tennis courts; soccer field or polo field, and baseball field.
2. Amusement parks, fairgrounds, or horse racing tracks, if all buildings are located not less than 200 feet from any residential zone; and further provided that all buildings for housing animals shall be 200 feet from any residential zone, residence, school, church, hospital, nursing home, or rest home.
3. Outdoor theaters, provided that all facilities, other than highway access drives, are not less than 1,000 feet from any residential zone, residence, school, church, hospital, nursing home, or rest home; and further provided that a vehicle storage area equal to thirty percent (30%) of the capacity of the theater be provided between the highway and theater ticket gate.
4. Outdoor recreational facilities, including go-cart tracks; archery courts; skate-board and roller skating tracks; trampoline centers; rifle and other fire-arm ranges; swimming pools; water slides and other water-related recreational facilities, and other similar uses.
5. Passenger transportation terminals.
6. Pawnshops, except as permitted herein.
7. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
  - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
  - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
  - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
8. Adult arcades, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers, except as permitted herein, provided none shall be located within a 500-foot radius of any elementary or secondary school, any park attended by persons under 18 years of age, or within a 1,000-foot radius of any other similarly regulated adult business.
9. Churches and Sunday schools.
10. The above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas; except as permitted herein, or except in conformance with the Kentucky Building Code and all applicable fire safety codes. Except in association with an automobile and vehicle refueling station, total above-ground storage of gas is limited to 600 square feet. There may be no filling or re-filling of gas

containers in this zone.

11. Temporary structures designed for use or occupancy for 61 to 180 days per 12-month period on a single property, calculating said period by cumulative consideration of the use of any and all such structures on a single property.
12. Circuses, provided all structures are located not less than 200 feet from any residential zone; and further provided that all structures for housing animals shall be 200 feet from any residential zone, residential use, school, hospital, nursing home or rest home. A circus may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.

8-20(e) Prohibited Uses (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. The prohibited uses in the B-1 zone, items 1 through 5.
2. Automobile race tracks.
3. Establishments for cleaning, dyeing, and the like, except as permitted herein.
4. Dwellings, except as accessory uses herein.
5. Major automobile and truck repair, except as permitted herein.
6. Boarding houses.
7. Outdoor retail sale of merchandise, unless accessory to a permanent retail sales establishment that conducts most of its activities within a completely enclosed building or group of buildings.
8. The above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas, except as permitted herein.
9. Hospitals.

Lot, Yard, and Height Requirements (See Articles 3 and 15 for additional regulations.)

8-20(f) Minimum Lot Size - No limitation.

8-20(g) Minimum Lot Frontage - 40'.

8-20(h) Minimum Front Yard - 20'.

8-20(i) Minimum Each Side Yard - No limitation, except as provided in Section 8-20(o).

8-20(j) Minimum Rear Yard - No limitation, except as provided in Section 8-20(o).

8-20(k) Minimum Useable Open Space - No limitation.

8-20(l) Maximum Lot Coverage - No limitation.

8-20(m) Maximum Height of Building - 75', except where a side or rear yard abuts a Professional Office or a Residential zone, then a 3:1 height to yard ratio.

8-20(n) Off-Street Parking (See Article 16 for additional parking regulations.)

As for B-1.

Establishments for display, rental, sale, service or repair of farm implements, contractor equipment, automobiles, motorcycles, boats, travel trailers, mobile homes, or supplies for such items - One (1) space for every 600 square feet of floor area, with a minimum of five (5) spaces.

Car Washing Establishments - Two (2) spaces for each stall, plus one (1) space for each vacuum unit.

Motels and Hotels - One (1) space per suite with a minimum of five (5) spaces.

Bowling Alleys - Four (4) spaces per alley; however, snack bars and food service provided primarily to patrons shall not require additional parking.

Offices of Veterinarians, Animal Hospitals or Clinics, and Kennels - One (1) space for every 200 square feet of floor area.

Billiard or Pool Halls, Arcades, Dance Halls, Indoor Athletic Facilities, and other amusement places without fixed seats - One (1) space for every 100 square feet of floor area, plus one space for every three (3) employees.

Skating Rinks - One (1) space for each 400 square feet of floor area, plus one (1) space for every employee.

Theaters - One (1) space for every five (5) seats.

Indoor and Outdoor Athletic Facilities, Horse Race Tracks, and other amusement places with fixed seats - One (1) space for every five (5) seats, plus one (1) space for every three (3) employees.

Miniature Golf or Putting Courses - One and one-half (1½) spaces per hole.

Garden Centers - One (1) space for every 400 square feet of floor area; plus one (1) space for each employee, with a minimum of five (5) spaces.

Adult Arcades and Massage Parlors - As for retail uses in the B-1 zone (with a minimum of three (3) spaces) or one (1) space for every five (5) seats, whichever is greater.

Adult Bookstores or Adult Video Stores - As for retail uses in the B-1 zone (with a minimum of three (3) spaces.)

Adult Cabarets, Adult Dancing Establishments, Adult Entertainment Establishments, and Sexual Entertainment Centers - As for retail uses in the B-1 zone (with a minimum of three (3) spaces), or one (1) space for every three (3) seats, whichever is greater.

Conditional Uses - Parking requirements for conditional uses shall be minimum requirements; the Board of Adjustment may require additional parking, as needed.

Combinations - Combined uses shall provide parking equal to the sum of individual requirements.

#### 8-20(o) Special Provisions

1. Landscape buffer areas shall be required as set forth in Article 18.
2. No building to be used principally as a single store selling food, produce, grocery items or general merchandise shall exceed 80,000 square feet in floor area unless:
  - a) approved by the Planning Commission prior to April 27, 2000 for a larger area, or
  - b) the building is designed to meet the design guidelines for "big-box" retail establishments (Article 12-8), unless specific guidelines are waived by the Planning Commission through its approval of a final development plan.



## **8-21 WHOLESALE AND WAREHOUSE BUSINESS (B-4) ZONE**

**8-21(a) Intent** - This zone is intended primarily for wholesaling, warehousing, storage operations and establishments whose activity is of the same general character as the above. To a lesser extent, this zone is also intended to provide for the mixture of professional offices and warehouses that promote reuse and redevelopment of older warehouses, allowing businesses to combine their entire operation in one building, as recommended for the Office/Warehouse land use category in the Comprehensive Plan. This zone is also intended to encourage the adaptive reuse of older structures in or adjoining the Infill and Redevelopment Area to promote revitalization of these buildings, and the flexible use of sites outside of the Infill and Redevelopment Area. The Comprehensive Plan should be used to determine the appropriate locations for this zone. Consideration should be given to the relationship of this zone to the surrounding land uses and the adequacy of the street system to serve the anticipated traffic needs.

**8-21(b) Principal Uses** (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Wholesale establishment, wholesale establishment with warehouses, storage, and warehousing.
2. Shops of special trade and general contractors, such as plumbing; heating; carpentry; masonry; painting; plastering; metal work; printing; publishing; lithographing; engraving; electrical; major automobile and truck repairing; sign painting; upholstering; tile, mosaic and terrazzo work; electroplating; interior decorating.
3. Laundry (excluding self-service laundry), clothes cleaning or dyeing shop.
4. Ice plant.
5. Tire re-treading and recapping.
6. Parking lots and structures.
7. Machine shop.
8. Kennels, animal hospitals or clinics, provided that such structures or areas used, not including accessory parking areas, shall be at least 100 feet from any residential zone.
9. Offices of purchasers, processors and handlers of agricultural products, limited to administrative uses only.
10. Sales of feed, grain, or other agricultural supplies.
11. Garden centers.
12. Establishments and lots for the display, rental, sale, and repair of farm equipment; contractor equipment; automobiles, trucks, mobile homes; recreational vehicles, such as mini-bikes, motorcycles, bicycles; boats or supplies for

such items.

13. Truck terminals and freight yards.
14. Automobile service stations, subject to the conditions of Article 16.
15. Major or minor automobile and truck repair.
16. Establishments for the display and sale of precut, prefabricated, or shell homes.
17. Carnivals on a temporary basis, and upon issuance of a permit by the Division of Building Inspection, which may restrict the permit in terms of time, parking, access or other ways to protect public health, safety, or welfare; or deny such if public health, safety or welfare are adversely affected. A carnival may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.
18. Retail sale of building materials and lumber.
19. Pawnshops which (1) were in operation prior to August 31, 1990 and in compliance with the provisions of KRS 226.010 et seq. and Code of Ordinances, Sections 13-52 and 13-53; or (2) had on file with the Lexington-Fayette Urban County Government, prior to August 31, 1990, an application for a business license or certificate of occupancy.
20. Mail order business.
21. Office uses, limited to a maximum square footage of 60% of the floor area in the building in which the use is located.
22. Office/warehouse mixed-use project, as further regulated by Article 8-21(o)(3).
23. Adaptive Reuse Projects, as further regulated in 8-21(o)4.
24. Shredding, sorting and baling of paper scrap and storage of waste paper, when wholly conducted in a completely enclosed building.
25. Automobile and vehicle refueling stations, provided such uses conform to all requirements of Article 16.

**8-21(c) Accessory Uses** (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.

1. Parking areas and structures, and loading areas.
2. Financial and insurance offices, the principal activities of which are oriented towards agricultural loans and farm insurance.
3. Laundry pick-up station, when accessory to a laundry or dry-cleaning establishment.
4. Retail sale of hardware-related items, when accessory to the sale of building materials and/or lumber.
5. Satellite dish antennas, as further regulated by Article 15-8.
6. Sale of manufactured products, goods, merchandise and finished products related or incidental to the principal use, provided that the area set aside for sales of these related or incidental items does not constitute more than 30% of the total floor and storage area.
7. The retail sale of groceries; dairy products; bakery goods; meat; beer; health and beauty items; stationery; and similar convenience-type merchandise, when accessory to an automobile service station.

8. Beauty salons where accessory to an athletic club facility, provided that the area of the salon shall not constitute more than 10% of the total floor area, that the salon has no separate external entrance, nor separate business signage.
9. Facilities for serving food only for employees and visitors; having no direct access to the exterior, and having no signs visible from the exterior of the building. Mobile food unit vendors may also serve this purpose, and be parked outside of a building to serve employees and visitors, provided that the requirements of Section 15-11 of the Code of Ordinances are met.
10. Retail sale of liquid propane (limited to 20-lb. containers), when accessory to the retail sale of building materials and lumber permitted under Article 8-21(b)(18).

8-21(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. Indoor recreational activities, except as provided as a part of an adaptive reuse project that require buildings which, as a result of their size and design, are not compatible with residential and business zones, but would be compatible in a Wholesale and Warehouse Business (B-4) zone, including indoor tennis courts; skating rinks; athletic club facilities and bowling alleys. Also included would be any outdoor recreational facilities that are customarily accessory, clearly incidental and subordinate to such indoor recreational activities.
2. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
  - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
  - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
  - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
3. Churches, Sunday schools, and church-related schools for academic instruction, except as provided as part of an adaptive reuse project.
4. Retail sale (except as provided as part of an adaptive reuse project) of furniture and

household-related items, such as antiques; fabrics; fixtures; furnishings; glassware and china; when accessory to its storage, refinishing, repairing or upholstery on the same premises.

5. Temporary structures designed for use or occupancy for 61 to 180 days per 12-month period on a single property, calculating said period by cumulative consideration of the use of any and all such structures on a single property.
6. Circuses, provided all structures are located not less than 200 feet from any residential zone; and further provided that all structures for housing animals shall be 200 feet from any residential zone, residential use, school, hospital, nursing home or rest home. A circus may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.

8-21(e) Prohibited Uses (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. Heavy manufacturing, heavy assembling, compounding, packaging, bottling, processing, and other industrial uses, except as permitted herein.
2. Storage of commodities, the storage of which is permitted for the first time in the industrial zones.
3. Amusement enterprises, such as indoor theaters; drive-in theaters; horse race tracks; pool halls; billiard halls; dancing halls and amusement parks.
4. Retail sales and offices, except as permitted herein.
5. Motels and hotels; boarding houses.
6. Personal service establishments, except as permitted herein.
7. Dwellings, except as permitted in an office/warehouse project herein.
8. Schools and colleges for academic instruction, except as permitted herein.
9. Restaurants, cocktail lounges, and nightclubs, except as permitted herein.
10. Car washing establishments.
11. Refuse dumps, landfills, transfer stations, and incinerators.
12. The above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas, except in association with an automobile and vehicle refueling station.
13. Pawnshops, except as permitted herein.

Lot, Yard, and Height Requirements (See Articles 3 and 15 for additional regulations.)

8-21(f) Minimum Lot Size - No limitation.

8-21(g) Minimum Lot Frontage - No limitation.

8-21(h) Minimum Front Yard - No limitation, except as provided in Section 8-21(o).

8-21(i) Minimum Each Side Yard - No limitation, except as provided in Section 8-21(o).

8-21(j) Minimum Rear Yard - No limitation, except as provided in Section 8-21(o).

8-21(k) Minimum Useable Open Space - No limitation.

8-21(l) Maximum Lot Coverage - No limitation.

8-21(m) Maximum Height of Building - 75', except when a side or rear yard abuts a Professional Office or a Residential zone, then a 3:1 height-to-yard ratio.

8-21(n) Off-Street Parking - (See Article 16 for additional parking regulations.)

Wholesale business, warehousing, storage; Establishments for special trade and general contractors; Machine shops; Sale of feed, grain or other agricultural supplies; Garden centers; and Establishments for the rental, sale, service and repair of farm equipment, contractor equipment, trucks, travel trailers and mobile homes - One (1) space for every 600 square feet of floor area, with a minimum of five (5) spaces.

Tire re-treading or recapping; Truck terminals and Ice plants - One (1) space for each two (2) employees on a maximum working shift; plus one (1) space for each vehicle owned or operated by the use, with a minimum of five (5) spaces total.

Offices, as permitted herein; Animal Hospitals or Clinics; Laundry, clothes cleaning or dyeing shop - One (1) space for every 200 square feet of floor area, with a minimum of five (5) spaces.

Animal Grooming Facilities - One (1) space for every 200 square feet, with a minimum of three (3) spaces.

Kennels - One (1) space for every 600 square feet of floor area; plus one (1) space per two (2) employees on the maximum shift, with a minimum of five (5) spaces.

Office/Warehouse Mixed-Use Project - One (1) space for every 500 square feet of parking floor area, with a minimum of five (5) spaces.

Skating Rinks - One (1) space for every 400 square feet of floor area, plus one (1) space for each employee.

Bowling Alleys - Four (4) spaces per alley;

however, snack bars and food service provided primarily to patrons shall not require additional parking.

Tennis Courts and other similar indoor recreational uses - One (1) space for every two (2) participants, plus one (1) space for every three (3) spectator seats, plus one (1) space for each employee.

Mail Order Business - One (1) for every two (2) employees on a maximum working shift, with a minimum of five (5) spaces; plus one (1) space for every 400 square feet of accessory retail sales area.

Retail Sales, Bulk Merchandise - One (1) space for every 250 square feet of floor area.

Conditional Uses - Parking requirements for conditional uses are minimum requirements; the Board of Adjustment may require additional parking, as needed.

Combinations - Combined uses shall provide parking equal to the sum of individual requirements.

#### 8-21(o) Special Provisions:

1. All buildings and structures shall be at least 100 feet from any residential zone, unless the portion within that distance has no opening except stationary windows and doors that are designed and intended solely for pedestrian access.
2. Landscape buffer areas shall be required as set forth in Article 18.
3. An Office/Warehouse mixed-use project may be permitted by the Planning Commission upon the approval of a final development plan, as provided in Article 21 of the Zoning Ordinance, and subject to the following requirements:

In addition to the uses permitted in Article 8-21(b), the following uses shall also be permitted in an Office/Warehouse Project:

As principal permitted uses:

- a. Offices, laboratories and data processing centers, limited to a maximum of 75% of the floor area of the building or project. This square footage limitation shall not apply if the project is located within the defined Infill and Redevelopment Area.

As accessory uses:

- a. Drive-through facilities for the provision of services allowed in an Office/Warehouse mixed-use project;
  - b. Dwelling units for on-site security personnel.
4. Adaptive Reuse Projects may be permitted by the Planning Commission upon the approval of a final development plan, subject to the following requirements:
    - a. The property must be located in or adjacent to, or across a public right-of-way from, the defined

Infill and Redevelopment Area. The area of the Project will be defined by the development plan and may include noncontiguous properties that can function together as an interrelated development.

- b. The Project must include at least one existing building that will be adaptively reused as a principal structure.
- c. The applicant shall provide documentation demonstrating that the Project meets at least three of the following criteria:
  1. It will incorporate sustainable features such as LEED Certification, "green" infrastructure, alternative energy or other innovative design or system.
  2. It will include a structure individually listed on the National Register of Historic Places or is determined to be eligible for such listing; is determined to contribute to the significance of a National Register Historic District or is in an area that meets the requirements of a National Historic District; is individually listed on a state inventory of historic places; is located within an Historic District (H-1) overlay zone; or is over 50 years old.
  3. It is in a district that has applied for, or has obtained, special funding such as tax increment financing or similar government incentives.
  4. It will provide residential housing, at least 10% of which will be set aside for affordable housing.
  5. It will provide a high degree of innovative accommodation for non-vehicular transportation.
  6. It is in an area specified in the Comprehensive Plan for adaptive reuse or revitalization.
  7. It is within an area that is a brownfields recovery site.
  8. Public art is provided by the development that will be publicly displayed in an accessible unpaid area and is visible from the adjacent street level. This is not to include a business logo or other type of advertisement.
  9. It has a single building of over 30,000 square feet that is over 50 years old, or a total project of over 80,000 square feet with at least two adaptive reuse buildings over 50 years old. A single building may not be used to meet both criteria #2 and #9.
- d. Principal uses in Adaptive Reuse Projects:
  1. Any of the principal uses permitted in the underlying zone.
  2. Schools; libraries; museums; art galleries; studios for work or teaching of fine arts, metal work, photography, dance, drama or theater; theaters, including movie theaters and other indoor amusements, except as prohibited under Section 8-19(e), including billiard or pool halls, bowling alleys, dance halls, skating rinks and arcades.
3. Community centers, churches and private clubs.
4. Restaurants, with or without outdoor seating and with or without live entertainment.
5. Establishments for the retail sale of food, dairy, bakery, meat, beer, liquor, wine and other food products; the retail sale of merchandise, including new or used clothing and books, gifts, toys, antiques, furnishings, housewares, jewelry, electronics and similar items.
6. Pharmacies, provided that they are within a structure containing other uses and do not occupy a separate building.
7. Banquet facilities or private clubs with live entertainment, brew-pubs, bars, cocktail lounges and nightclubs.
8. Offices, banks or clinics.
9. Hotels or motels.
10. Beauty shops, barber shops, shoe repair, dressmaking or tailoring.
11. Quick copy services not using offset printing methods.
12. Residences of any kind.
13. Health clubs, athletic clubs and spas.
14. Parking lots and structures.
15. Retail sales of plant, nursery or greenhouse products or agricultural products, produce or goods.
16. Indoor recreational facilities.
17. Kindergartens, nursery schools and child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain at least 25 square feet per child.
18. Indoor or outdoor amusement or entertainment enterprises such as circuses, carnivals, rodeos, horse shows or automobile shows; provided such activity is operated on a temporary basis, not to exceed two weeks.
19. Passenger transportation terminals.
- e. Accessory uses that are clearly incidental and subordinate to the principal uses are permitted.
- f. Conditional uses:
  1. Drive-through facilities.
- g. Prohibited uses:
  1. All adult uses, as listed in Sections 8-16(e)(14 through 17).
- h. Parking
  1. Dwelling Units - One (1) space for every two (2) units.
  2. Non-Residential Uses - Fifty percent (50%) of the least parking required in any zone other than the B-2, B-2A or B-2B zone, which permits the use or a similar use.

3. Allowable Reductions in Parking:
    - a. Bicycle Reduction - Sites having fifty (50) or more parking spaces may reduce the total minimum automobile parking space requirement by one (1) parking space for every one (1) bicycle space provided in a permanent, constructed bicycle locker. The maximum reduction of required parking spaces, based on provision of bicycle parking, shall not be reduced less than five percent (5%) of the otherwise required amount.
    - b. Allowable Transit Stop Reductions - Sites located within 300 feet of a transit stop with a shelter may be allowed a ten percent (10%) reduction of the minimum required parking. Sites located within 300 feet of a transit stop without a shelter shall be allowed a five percent (5%) reduction of the minimum required parking. If the site is located within 300 feet of more than one transit stop, the maximum reduction allowed will be ten percent (10%) for this specific parking reduction.
    - c. Reductions in required off-street parking for transit stops and bicycle lockers may be combined for the same property, but in any event may not reduce the total amount of required off-street parking by more than 15%.
    - i. Signage - Shall be as permitted under Article 17-7(o) for an MU-2 zone.
    - j. Lot and Yard Requirements - No minimum.
    - k. Height - No maximum height for adaptive reuse of existing buildings. New buildings shall not be more than 12 feet taller than the tallest structure that is being adaptively re-used, or 48 feet, whichever is greater.
    - l. The applicant shall submit a compliance statement with the development plan that specifies how the project will further the Goals and Objectives and other elements of the Comprehensive Plan.
    - m. Prior to holding a hearing on the development plan, the applicant shall post a sign, with dimensions set out in Article 23B-5(b), at a visible location on the property at least 14 days prior to the hearing, informing the public of the location, date and time of the hearing. Evidence of the sign having been posted shall be submitted to the Planning Commission at the hearing.
    - n. The Planning Commission shall have the power to approve, modify or disapprove the development plan, as set out in Article 21.
- In addition, if the Planning Commission approves the development plan, it must adopt a finding that the development plan furthers the Goals and Objectives or other elements of the Comprehensive Plan.
5. Flex Space Projects may be permitted by the Planning Commission upon the approval of a final development plan, subject to the following requirements:
    - a. The site must be located outside of the defined Infill and Redevelopment Area.
    - b. Principal uses in Flex Space Projects shall include:
      1. Any of the principal uses permitted in the underlying zone.
      2. Schools; libraries; museums; art galleries; studios for work or teaching of fine arts, metal work, photography, dance, drama or theater.
      3. Churches and private clubs.
      4. Establishments for the retail sale of merchandise, food and food products, if under 20,000 square feet in area.
      5. Restaurants, if under 4,000 square feet in area.
      6. Offices.
      7. Health clubs, athletic clubs and spas.
    - c. Accessory uses that are clearly incidental and subordinate to the principal uses.
    - d. Conditional uses:
      1. Drive-through facilities.
    - e. Prohibited uses:
      1. All adult uses, as listed in Section 8-16(e)(14 through 17).
    - f. Parking:
      1. Restaurants - as set forth in the B-1 zone.
      2. All other uses - One (1) space per 600 square feet.
    - g. Signage, lot, yard and height requirements shall be as set forth in the underlying zone.
    - h. The Planning Commission shall, with the approval of any development plan, consider the following locational and compatibility factors:
      1. A Flex Space Project shall generally not be located on a major arterial. If the Project is located on a major arterial, the applicant shall address whether additional parking needs to be provided to accommodate "impulse" customers.
      2. The Project shall generally be located in an area of mixed uses and zones.
      3. The Project shall generally be located in an area that has historically had a mixture of retail and wholesaling land uses.
      4. The Project shall generally be located in a B-4 or I-1 area in which, due to small lot size, adjacent uses, or the nature of the roadway system, it would not be appropriate to construct larger B-4 or I-1 uses, such as truck terminals, manufacturing facilities or large warehousing facilities.
      5. The property is the site of an existing building with substantial lot coverage that does not allow substantial expansion of the building or

parking facilities.

6. The Project shall generally not be located in a block front that contains residential zoning.

## **8-22 LIGHT INDUSTRIAL (I-1) ZONE**

**8-22(a) Intent** - This zone is intended for manufacturing, industrial and related uses not involving a potential nuisance in terms of smoke, noise, odor, vibration, heat, light or industrial waste. In addition, the Comprehensive Plan recognizes that it is important to promote adaptive reuse of older industrial areas and to allow Industrial Mixed-Use projects and Adaptive Reuse Projects. The Comprehensive Plan should be used to determine appropriate locations for this zone and for Industrial Mixed-Use Projects. Consideration should be given to the relationship of this zone to the surrounding land uses and to the adequacy of the street system to serve the anticipated traffic needs.

**8-22(b) Principal Uses** (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. The principal permitted uses in the B-4 zone.
2. The manufacturing, compounding, assembling, processing, packaging, or similar treatment of articles of merchandise from the following previously prepared materials: asbestos, bone, canvas, cellophane, cellulose, cloth, cork, feather, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious and semi-precious metals, precious and semi-precious stones, rubber, sheet metal (excluding large stampings), shell, textiles, tobacco, wax, wire, wood (excluding sawmills, planing mills), and yarn.
3. The manufacturing, compounding, assembling, processing, packaging, or similar treatment of such products as: bakery goods; billboards; candy; ceramics; cosmetics; drafting instruments; electrical parts; appliances; electric or neon signs; electronic instruments; food products; meat packaging; ice cream; medical and dental instruments; musical instruments; pharmaceuticals; pottery, china, or figurines; radios; record players; rubber and metal stamps; rubber products; scientific instruments and equipment; shoes; television receivers; toiletries, soaps and detergents; toys; and watches and clocks.
4. Other industrial and manufacturing uses, such as auto parts rebuilding; battery manufacturing; beverage manufacturing; micro-brewery as regulated by KRS 243.157 and KRS 243.150; dairy and non-dairy and food and non-food product bottling plants; box and crate assembly; building materials sales; rental storage yard; bag, carpet and rug cleaning and dyeing; cabinet shop; cannery; caterers; cooperage; crematory; dextrine and starch manufacturing; enameling, lacquering, and japanning; felt manufacturing; electric foundry;

furniture manufacturing; heating equipment manufacturing; inflammable underground liquid storage; iron works (ornamental), and wire drawing; parcel delivery stations; phonograph record manufacturing; public utility service yard; radium extraction; railway or truck terminal; stone monument works; tool manufacturing; vehicle storage yards for which occupancy permits were issued prior to May 1, 1985; welding, and other metal working shops.

5. Recycling, sorting, baling and processing of glass and nonferrous metals, including copper; brass; aluminum; lead and nickel, but not including automobile wrecking yard; building materials salvage; junk yards or other uses first permitted in the I-2 zone. Recycling, and processing of paper shall be permitted only when wholly conducted in a completely enclosed building.
6. Industrial Mixed-Use Projects, as further regulated by Article 8-22(o).
7. Adaptive Reuse Projects, as set out in Section 8-21(b)23 and Section 8-21(o)4.
8. Commercial wood lots, provided that:
  - a. All wood storage and processing activities are located at least 300 feet from the nearest residential zone;
  - b. Wood piles are no greater than fifteen (15) feet in height, no greater than twenty (20) feet in width, no greater than 100 feet in length, and are spaced no less than twenty (20) feet from any property line; and
  - c. Cutting and splitting of timber takes place only between the hours of 8:00 a.m. and 5:00 p.m. on weekdays.

**8-22(c) Accessory Uses** (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Off-street parking areas and structures; loading facilities.
2. Dwelling units for watchmen or caretakers, provided that such facilities shall be located on the same premises as the permitted use.
3. Outdoor storage of products manufactured on the premises or materials to be used in manufacture on the premises.
4. Facilities for serving food only for employees and visitors; having no direct access to the exterior, and having no signs visible from the exterior of the building. Mobile food unit vendors may also serve this purpose, and be parked outside of a building to serve employees and visitors, provided that the requirements of Section 15-11 of the Code of Ordinances are met.
5. Offices.
6. Recreational facilities.
7. Sale of manufactured goods.
8. Sale of finished products related or incidental to the principal use, provided that the area set aside for sales of these related or incidental items does not constitute more than thirty percent (30%) of the total floor and

storage area.

9. Satellite dish antennas, as further regulated by Article 15-8.
10. Beauty salons where accessory to an athletic club facility, provided that the area of the salon shall not constitute more than 10% of the total floor area, that the salon has no separate external entrance, nor separate business signage.
11. Retail sale of liquid propane (limited to 20-lb. containers), when accessory to retail sale of building materials and lumber permitted under Article 8-21(b)(18).

8-22(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. Automobile race tracks.
  2. Public utilities and public service uses and structures.
  3. Columbariums and crematories.
  4. Penal or correctional institutions.
  5. Indoor recreational activities, except as provided as part of an Adaptive Reuse Project, that require buildings, which as a result of their size and design, are not compatible with residential and business zones, but would be compatible in a Light Industrial (I-1) zone, including indoor tennis courts; skating rinks; athletic club facilities and bowling alleys.
  6. Grain drying, when operated in a fully enclosed building at least 300 feet from the nearest residential, business, or professional office zone.
  7. The above- or below-ground storage for resale of any flammable or nonflammable gas or oxidizer in liquid or gaseous form; the storage of any empty container that contained any gas in any form; and the receiving of or dispensing of any gas in any form, unless in association with an automobile and vehicle refueling station or limited by 8-22(e); and provided such operations conform to the standards prescribed by the National Fire Protection Association, the Kentucky Occupational Safety and Health Standards for General Industry, and any requirements of the Fire Marshall. Such conformance shall be certified in writing by the Fire Marshall, and any required protective measures for the containers shall be met in all ways.
  8. Banks, with or without drive-through facilities, except as provided as part of an Industrial Mixed-Use Project or an Adaptive Reuse Project, provided:
    - a. The site lies within the area of a development plan approved by the Planning Commission, having a minimum 100 acres zoned industrial;
    - b. There shall be an on-site stacking capacity of a minimum of twenty (20) cars for each bank having drive-through facilities;
  - c. The site shall not have direct access to an arterial street;
  - d. There exists, within the development plan area, industrial businesses having a full-time, non-seasonal, on-site total employee population of at least 500 employees;
  - e. There exists, within a one-mile radius of the property boundaries of the proposed site, industrial businesses having a full-time, non-seasonal, on-site total employee population of at least 2,500 employees;
  - f. A site development plan is submitted to, and approved by, the Board of Adjustment and the Planning Commission.
9. Concrete mixing and concrete products, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein, and only under the following conditions:
    - a. That no concrete mixing operation be conducted closer than 1,000 feet from any existing residence on another lot under different ownership.
    - b. Noise, Air & Water Quality - The facility shall be operated at all times in compliance with applicable Federal, State and local laws and regulations on noise, air, and water quality, including the LFUCG Noise Ordinance (Sections 14-70 through 14-80), Article 6-7: Stormwater Disposal Standards, and Chapter 16 of the Code of Ordinances.
    - c. Development Plan - The development plan shall indicate all existing contours, shown with intervals sufficient to show existing drainage courses, retention, storm water and sedimentation basins; and the names and locations of all streams, creeks, or other bodies of water within 500 feet.
    - d. Drainage and Erosion Control - All operations shall have adequate drainage, erosion, and sediment control measures incorporated in the site/development plan(s). If, in the event that adequate drainage, erosion, and sediment control cannot be provided, permits may be denied.
    - e. Roads - All access roads that intersect with a State highway or public street shall be paved with an all-weather surface of either asphalt or concrete for the entire length of road from State highway or street to the active loading point. Internal roads may be unpaved, provided dust is adequately controlled.
    - f. Screening - Screening shall be provided as defined in accordance with LFUCG Article 18 of the Zoning Ordinance.
    - g. Transportation Plan - A Transportation Plan shall be planned (in relationship to the arterial roadway system) to minimize the impact of traffic, dust, and vehicle noise on areas outside the site and shall include the following information:
      - 1) Product shipping and deliveries;
      - 2) Mode of transportation;



- 3) Route(s) to and from the site;
  - 4) Schedule and frequency of shipments;
  - 5) Delivery and shipping spillage control methods;
  - 6) Employee parking.
  - h. Storage - Storage and/or stockpiles of hazardous materials shall be in a completely closed building. Outdoor storage, except aggregate, sand and recycled asphalt material, shall be enclosed on at least three sides by a solid wall or fence, not less than six (6) feet nor greater than eight (8) feet in height, and shall be placed at designated site(s) on the development plan. At the cessation of operation, all storage piles and/or stockpiles shall either be removed or graded and covered with a minimum of 18 inches of topsoil and/or other soil-making materials, and planted in accordance with Article 18 of the Zoning Ordinance.
  - i. Excess Product and Waste - Excess product and waste, when disposed of on site, shall be in a designated area so as to prevent erosion and contamination of streams and waterways. At the cessation of operation, all outdoor storage piles and/or stockpiles shall either be removed or graded and covered with a minimum of 18 inches of topsoil and/or other soil-making materials, and planted in accordance with Article 18 of the Zoning Ordinance.
  10. Cable television system facilities, including transmitting towers; antennas; earth stations; microwave dishes; relays; business offices; television studios; and storage facilities.
  11. Vehicle storage yards, for which occupancy permits were applied for on or after May 1, 1985.
  12. Commercial composting, provided that the following requirements are met:
    - a. That all such composting shall be conducted in a fully enclosed building.
    - b. That a permit-by-rule or letter of intent from the Division of Waste Management of the Kentucky Natural Resources and Environmental Protection Cabinet be obtained prior to submission of any application to the Board of Adjustment for a conditional use permit.
    - c. That a development plan, indicating access points and circulation routes; proposed signage; screening and landscaping; fencing and other significant geological or physical features of the property, be submitted as part of any application.
    - d. That the Board specifically consider and be able to find that the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic or dust.
  13. Helistops and heliports, provided such facilities conform to the requirements of all appropriate Federal, State and local regulations.
  14. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
    - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
    - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
    - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
  15. Churches, Sunday schools, and church-related schools for academic instruction, except as provided as part of an Adaptive Reuse Project.
  16. Retail sale, except as provided as part of an Adaptive Reuse Project, of furniture and household-related items, such as antiques; fabrics; fixtures; furnishings; glassware and china, when accessory to its storage, refinishing, repairing or upholstery on the same premises.
  17. Community centers, except as provided as part of an Adaptive Reuse Project.
  18. Child care centers, except as provided as part of an Adaptive Reuse Project.
  19. Agricultural market.
  20. Temporary structures designed for use or occupancy for 61 to 180 days per 12-month period on a single property, calculating said period by cumulative consideration of the use of any and all such structures on a single property.
  21. Circus, provided all structures are located not less than 200 feet from any residential zone; and further provided that all structures for housing animals shall be 200 feet from any residential zone, residential use, school, hospital, nursing home or rest home. A circus may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.
- 8-22(e) Prohibited Uses (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)
1. The prohibited uses in the B-4 zone, items 3 through 11.
  2. All uses first permitted in the I-2 zone, except as specifically permitted herein.
  3. A facility for the storage and distribution of gas by railroad tank cars, through gas piping, or by tank

trucks, which each have a water capacity in excess of 4,000 gallons.

4. Slaughterhouses.

Lot, Yard, and Height Requirements (See Articles 3 and 15 for additional regulations.)

8-22(f) Minimum Lot Size - No limitation.

8-22(g) Minimum Lot Frontage - No limitation.

8-22(h) Minimum Front Yard - 20'.

8-22(i) Minimum Each Side Yard - No limitation, except as provided in Section 8-22(o).

8-22(j) Minimum Rear Yard - No limitation, except as provided in Section 8-22(o).

8-22(k) Minimum Useable Open Space - No limitation.

8-22(l) Maximum Lot Coverage - No limitation.

8-22(m) Maximum Height of Building - 75', except when a side or rear yard abuts a Professional Office or Residential zone, then a 3:1 height-to-yard ratio.

8-22(n) Off-Street Parking (See Article 16 for additional parking regulations.)

As for B-4.

Manufacturing or Industrial Uses - One (1) space for every two (2) employees on a maximum working shift, with a minimum of five (5) spaces.

Automobile Race Tracks - One (1) space for every five (5) seats.

Correctional or Penal Institutions - One (1) space for each employee.

Accessory Dwelling Units - One (1) space per dwelling unit.

Retail Sales Facility for manufactured goods - One (1) space for every 400 square feet of floor area.

Industrial Mixed Use Projects - As for MU-3, except that off-site parking may be provided in conformity with Article 16-1(d).

Conditional Uses - Parking requirements for conditional uses are minimum requirements; the Board of Adjustment may require additional parking, as needed.

Combinations - Combined uses shall provide parking equal to the sum of individual

requirements.

8-22(o) Special Provisions

1. All industrial uses shall be conducted in a completely enclosed building, except for outdoor storage uses, which shall be enclosed on all sides by a solid wall or fence not less than six (6) feet in height.
2. Except for Industrial Mixed Use Projects, all buildings and structures shall be at least 100 feet from any residential zone, unless the portion within that distance has no openings except stationary windows and doors that are designed and intended solely for pedestrian access.
3. Landscape buffer areas shall be required as set forth in Article 18.
4. An Industrial Mixed Use Project may be permitted by the Planning Commission upon the approval of a development plan, subject to the following requirements:
  - a. The property must be in a location recommended in the Comprehensive Plan for Industrial Mixed Use, and should not displace an existing agriculture-related use permitted in the I-1 zone.
  - b. At least twenty percent (20%) of the total floor area shall be devoted to residential use, at least ten percent (10%) shall be devoted to a principal permitted use in this zone or the Wholesale and Warehouse Business (B-4) zone, and no more than forty percent (40%) of the total floor area shall be occupied by retail uses.
  - c. At least forty percent (40%) of the front building wall(s) of new buildings proposed for an Industrial Mixed Use Project shall be required to be built at the 20-foot setback.
  - d. In addition to the uses otherwise permitted in the Light Industrial (I-1) zone, the following uses shall be permitted in an Industrial Mixed Use Project:

As Principal Permitted uses:

1. Dwelling units.
2. Uses permitted in the Professional Office (P-1) zone, excluding a Professional Office Project.
3. Uses permitted in the Neighborhood Business (B-1) zone.

As Conditional uses:

1. Restaurants, without live entertainment or dancing, which devote more than twenty percent (20%) of the public floor area exclusively to the preparation and service of malt beverages, wine or alcoholic beverages.
2. Restaurants or nightclubs offering live entertainment and/or dancing, brew-pubs, cocktail lounges or nightclubs, wine or spirit-tasting rooms [unless prohibited

under Sections 8-16(e)(14) and (15)]. Such uses shall be located at least 100 feet from any residential zone and shall be soundproofed to the maximum extent feasible by using existing technology, with noise or other emissions not creating a nuisance to the surrounding neighborhood.

As Prohibited uses:

1. All adult uses listed in Sections 8-16(e)(14) through (17) of the Zoning Ordinance.
- e. The minimum and maximum mix of uses shall be calculated based on the overall Industrial Mixed Use Project shown on the development plan. Each building within the Industrial Mixed Use Project shall not be required to contain a mixture of uses, provided that at least one structure shall contain a mixture of uses.

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## **8-23 HEAVY INDUSTRIAL (I-2) ZONE**

**8-23(a) Intent** - This zone is intended for manufacturing, industrial, and related uses that involve potential nuisance factors. It is also intended to encourage Adaptive Reuse Projects of older structures in or adjoining the Infill and Redevelopment Area. The Comprehensive Plan should be used to determine the appropriate locations for this zone. Consideration should be given to the relationship of this zone to the surrounding land uses and to the adequacy of the street system to serve the anticipated traffic needs.

**8-23(b) Principal Uses** (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. The principal permitted uses in the I-1 zone, provided that all provisions outlined therein shall apply for said uses in this zone.
2. Abrasives manufacturing.
3. Acid (non-corrosive) manufacturing.
4. Aerosol packaging.
5. Agricultural uses, including hatcheries.
6. Asbestos manufacturing.
7. Automobile assembling, rebuilding, and reconditioning.
8. Bleaching plant.
9. Boiler shops, structural steel fabricating shops, steel car or locomotive shops, railway repair shops, metal working shops, operative reciprocating hammers or chisels or other noise-producing machine operated tools.
10. Bolt or screw thread rolling or cutting.
11. Bottle making.
12. Brewery, winery and distillery.
13. Brick, tile and terra-cotta and other clay products manufacturing.
14. Briquette manufacturing from previously prepared charcoal.
15. Bronze casting.
16. Candle or sperm oil manufacturing.
17. Canvas manufacturing.
18. Carpet or rug manufacturing.
19. Coke manufacturing.
20. Concrete mixing, concrete products.
21. Correctional institutions.
22. Die casting and making.
23. Disinfectant, insecticide, or poison manufacturing.
24. Dye or dyestuff manufacturing and printing ink manufacturing.
25. Electric power generating plant.
26. Excelsior and fiber manufacturing.
27. Fencing, woven wire manufacturing.
28. Fertilizer manufacturing.
29. Forge.
30. Foundry.
31. Gas storage: Above- or below-ground storage

for resale of flammable or non-flammable gas or oxidizer in liquid or gaseous form, the storage of any empty container which contained any gas in any form, and the receiving of or dispensing of any gas in any form unless the method of distribution is first permitted as a conditional use in this zone; and provided such operations conform to the standards prescribed by the National Fire Protection Association, the Kentucky Occupational Safety and Health Standards for General Industry, and any requirements of the Fire Marshall. Such conformance shall be certified in writing by the Fire Marshall, and any required protective measures for the containers shall be met in all ways. Any outside storage area must be enclosed on all sides by a fence or a solid wall, not less than six (6) feet in height.

32. Glass fiber manufacturing.
33. Glucose manufacturing.
34. Grain drying and poultry feed manufacturing from refuse, mash, or grain.
35. Hair manufacturing.
36. Iron storage, sorting, collecting or baling.
37. Leaf mold and similar plant material processing or manufacturing.
38. Linoleum, oil cloth or oiled goods manufacturing.
39. Match manufacturing.
40. Nitrating processes.
41. Oil, paint, shellac, turpentine, varnish or enamel manufacturing or the grinding of colors by machine.
42. Paper or pulp manufacturing.
43. Paper scrap or waste storage, sorting, collecting or baling.
44. Perfume manufacturing.
45. Plaster manufacturing and products.
46. Potash manufacturing or refining.
47. Pyroline plastic manufacturing.
48. Railroad roundhouse or yards.
49. Roofing material factory.
50. Rubber manufacturing, treating or reclaiming plant.
51. Sand blasting.
52. Sewage treatment plant.
53. Shoe blacking or polish manufacturing.
54. Soda ash, caustic soda or washing compound, containing chlorine bleaching powder manufacturing or refining.
55. Stadium.
56. Steam power plant.
57. Storage, drying, or cleaning of rags, glass, cloth, paper or clippings, including sorting, refining, baling, wool pulling and scouring.
58. Sugar refining or starch manufacturing.
59. Tar or asphalt roofing or waterproofing manufacturing.
60. Textile manufacturing.
61. Tire manufacturing.
62. Vehicle storage yards.
63. Adaptive Reuse Projects, as set out in Section 8-21(b)3 and Section 8-21(o)4.

**8-23(c) Accessory Uses** (Uses and structures which are

customarily accessory, clearly incidental and subordinate to permitted uses.)

The permitted accessory uses in the I-1 zone.

8-23(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. Acid (corrosive) manufacturing.
2. Ammonia, chlorine or bleaching powder manufacturing.
3. Animal black, lamp black or bone black manufacturing.
4. Asphalt plant, but only when the following conditions are met:
  - a. That no asphalt plant be conducted closer than 1,000 feet from any existing residence on another lot under different ownership.
  - b. Noise, Air & Water Quality - The facility shall be operated at all times in compliance with applicable Federal, State, and local laws and regulations on noise, air, and water quality, including the LFUCG Noise Ordinance (Sections 14-70 through 14-80), Article 6-7: Stormwater Disposal Standards, and Chapter 16 of the Code of Ordinances.
  - c. Development Plan - The development plan shall indicate all existing contours, shown with intervals sufficient to show existing drainage courses, retention, stormwater and sedimentation basins; and the names and locations of all streams, creeks, or other bodies of water within 500 feet.
  - d. Drainage and Erosion Control - All operations shall have adequate drainage, erosion, and sediment control measures incorporated in the site/development plan(s). If, in the event, adequate drainage, erosion, and sediment control cannot be provided, permits may be denied.
  - e. Roads - All access roads which intersect with a State highway or public street shall be paved with an all-weather surface of either asphalt or concrete for the entire length of road from State highway or street to the active loading point.
  - f. Screening - Screening shall be provided as defined in accordance with LFUCG Article 18 of the Zoning Ordinance.
  - g. Transportation Plan - A Transportation Plan shall be planned (in relationship to the arterial roadway system) to minimize the impact of traffic, dust, and vehicle noise on areas outside the site and shall include the following information:
    - 1) Product shipping and deliveries;
    - 2) Mode of transportation;
    - 3) Route(s) to and from the site;
    - 4) Schedule and frequency of shipments;
- 5) Delivery and shipping spillage control methods;
- 6) Employee parking.
- h. Storage - Storage and/or stockpiles of hazardous materials shall be in a completely closed building. Outdoor storage, except aggregate, sand and recycled asphalt material, shall be enclosed on at least three sides by a solid wall or fence, not less than six (6) feet nor greater than eight (8) feet in height, and shall be placed at designated site(s) on the development plan. At the cessation of operation, all storage piles and/or stockpiles shall either be removed or graded and covered with a minimum of 18 inches of topsoil and/or other soil-making materials, and planted in accordance with Article 18 of the Zoning Ordinance.
- i. Excess Product and Waste - Excess product and waste, when disposed of on site, shall be in a designated area so as to prevent erosion and contamination of streams and waterways. At the cessation of operation, all outdoor storage piles and/or stockpiles shall either be removed or graded and covered with a minimum of 18 inches of topsoil and/or other soil-making materials, and planted in accordance with Article 18 of the Zoning Ordinance.
5. Automobile wrecking, scrap iron storage or wrecking.
6. Blast furnaces.
7. Building materials salvage yard.
8. Celluloid and pyroxylin manufacturing or explosives, or inflammable cellulose or pyroxylin products manufacturing or storage.
9. Cement, lime, gypsum, or plaster of paris manufacturing.
10. Coal storage.
11. Commercial composting, provided that the following requirements are met:
  - a. That all such composting shall be conducted in a fully enclosed building.
  - b. That a permit-by-rule or letter of intent from the Division of Waste Management of the Kentucky Natural Resources and Environmental Protection Cabinet be obtained prior to submission of any application to the Board of Adjustment for a conditional use permit.
  - c. That a development plan, indicating access points and circulation routes; proposed signage; screening and landscaping; fencing and other significant geological or physical features of the property, be submitted as part of any application.
  - d. That the Board specifically consider and be able to find that the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic or dust.
12. Creosote manufacturing or treatment.
13. Cupola or metal smelting furnace and ore or metal reduction.
14. Distillation of coal, petroleum, refuse, grain, wood, or bones.
15. Explosives manufacturing or storage, except for small

- arms ammunition.
16. Fertilizer manufacturing using organic materials, compost or storage.
  17. Fish curing, smoking, or packing, fish oil manufacturing or refining.
  18. Gas (acetylene, illuminating or heating) manufacture or storage.
  19. Gas storage and distribution facility where the means of distribution is railroad tank cars, gas piping, or tank trucks, which may each have a water capacity in excess of 4,000 gallons; however, the volume shall be governed by National Fire Protection Association regulations.
  20. Glue manufacturing, size or gelatin manufacturing, where the processes include the refining or recovery of products from fish, animal refuse, or offal.
  21. Junk yard.
  22. Livestock feed yards.
  23. Machinery wrecking or storage yard.
  24. Petroleum or inflammable liquids production, refining and storage.
  25. Rock or stone crusher, or mill, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein.
  26. Slaughtering of animals or stockyards.
  27. Smelting of aluminum, copper, tin, iron, zinc ore.
  28. Steel mill.
  29. Storage, curing or tanning of raw, green or salted hides or skins.
  30. Sulphurous, sulphuric, nitric, picric, carbolic, or hydrochloric or other corrosive acid manufacturing.
  31. Yard for storage of dismantled, or partially dismantled, automobiles.
  32. Helistops and heliports, provided such facilities conform to the requirements of all appropriate Federal, State and local regulations.
  33. Mining and/or quarrying of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
    - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
    - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
    - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation,
  34. Indoor recreational activities, except as provided as part of an Adaptive Reuse Project, that require buildings which, as a result of their size and design, are not compatible with residential and business zones, but would be compatible in the Heavy Industrial (I-2) zone, including indoor tennis courts; skating rinks; athletic club facilities and bowling alleys.
  35. Transfer station, but only when the following conditions are met:
    - a. This use shall be conducted in a completely enclosed building. No transfer station shall be closer than 1,000 feet to any A-R zone, to any residential zone, nor to any existing residence on another lot under different ownership.
    - b. The facility shall be operated at all times in compliance with applicable Federal, State and local laws, including Health Department regulations; regulations on noise, air, and water quality; and this Zoning Ordinance. A plan demonstrating proposed conformance with these requirements shall be submitted as part of any application.
    - c. A site/development plan, indicating existing screening and landscaping, fencing and significant geological or physical features of the property, shall be submitted as part of any application. The development plan shall be prepared by either an engineer, architect, landscape architect, land surveyor, or certified planner. This plan should also indicate all existing contours, drainage courses, retention, stormwater and sedimentation basins; and the names and locations of all streams, creeks, or other bodies of water within 500 feet of the proposed transfer station. The facility shall have adequate groundwater monitoring, waste spillage, and liquid waste/ leachate containment measures incorporated into the building and site, and all liquid waste must be disposed of via sanitary sewers. In the event adequate waste liquids/leachate containment, delivery controls and spillage control methods cannot be provided, the conditional use permit may be denied.
    - d. The site/development plan should also indicate access points, proposed signage, and internal circulation designed to minimize the impact of traffic, dust, and vehicle noise on areas outside the site. All roads to the site should be of sufficient width and constructed to safely handle all sizes of trucks, while being easily accessible to Federal or State highways. The plan shall identify (at a minimum) the route(s) to and from the site, the schedule and frequency of shipments, employee parking areas, and stacking areas for trucks. The Board shall review the location of access points to ensure that no traffic hazards are created.
    - e. All driveways and stacking areas shall be paved or sealed to prevent dust.
    - f. No transfer station shall be located within a 100-

- year floodplain or sinkhole area.
  - g. No waste shall remain overnight at the site.
  - h. This use shall be conducted only between the hours of 7:00 a.m. - 7:00 p.m.
  - i. The operator shall identify and employ misting, spritzing, masking agents, or absorption agents to control offensive odors.
  - j. The Board of Adjustment shall specifically consider and be able to find that the proposed use will not constitute a nuisance by creating excessive noise, water pollution, odor, truck traffic, vermin or other disease vectors, dust or other public health hazards. The Board shall also be able to find that the applicant has demonstrated specific measures in their application and plans that assure compliance with the applicable state environmental performance standards of 401 KAR 47:030.
36. Temporary structures designed for use or occupancy for 61 to 180 days per 12-month period on a single property, calculating said period by cumulative consideration of the use of any and all such structures on a single property.
37. Circuses, provided all structures are located not less than 200 feet from any residential zone; and further provided that all structures for housing animals shall be 200 feet from any residential zone, residential use, school, hospital, nursing home or rest home. A circus may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.

8-23(e) Prohibited Uses (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. The prohibited uses in the B-4 zone, items 3 through 11.

Lot, Yard, and Height Requirements (See Articles 3 and 15 for additional regulations.)

8-23(f) Minimum Lot Size - No limitation.

8-23(g) Minimum Lot Frontage - No limitation.

8-23(h) Minimum Front Yard - 20'.

8-23(i) Minimum Each Side Yard - No limitation, except as provided in Section 8-23(o).

8-23(j) Minimum Rear Yard - No limitation, except as provided in Section 8-23(o).

8-23(k) Minimum Useable Open Space - No limitation.

8-23(l) Maximum Lot Coverage - No limitation.

8-23(m) Maximum Height of Building - As for I-1.

8-23(n) Off-Street Parking (See Article 16 for additional parking regulations.)  
As for I-1.

8-23(o) Special Provisions

1. All buildings, outside storage areas, loading and working areas (except accessory parking) in conjunction with uses which are first permitted in the I-2 zone shall be located at least 300 feet from any residential zone and at least 100 feet from any other zone except B-4, I-1, or A-R.
2. Landscape buffer areas shall be required as set forth in Article 18. As to transfer stations, except in all cases at least a 15-foot landscape buffer shall surround the transfer station use.
3. Outside storage and working areas (except accessory parking) shall be enclosed by a solid wall or fence, not less than six (6) feet in height.



## **8-24 OFFICE, INDUSTRY AND RESEARCH PARK (P-2) ZONE**

**8-24(a) Intent** - This zoning category is created to provide for a mixture of compatible office, research, warehouse and industrial uses in a park-like setting with high quality standards of development. This zone shall be located as recommended by the Comprehensive Plan. While it is recognized that actual development of property zoned P-2 may occur in increments smaller than the total acreage shown on the Comprehensive Plan, the terms "P-2 area" and "P-2 park" as used herein are intended to mean the entire contiguous area of ORP as designated on the Comprehensive Plan. The limitations on retail and hotel/motel uses stated herein have been drafted with the expectation that a P-2 project will include all such property as shown on the plan.

**8-24(b) Principal Uses** (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Banks, credit agencies, security and commodity brokers and exchanges, credit institutions, savings and loan companies, holding and investment companies.
2. Offices for business, professional, governmental, civic, social, fraternal, political, religious, and charitable organizations.
3. Research development and testing laboratories or centers.
4. Colleges, universities, business colleges, technical or trade schools, and other schools and institutions for academic instruction, including dormitory facilities.
5. Libraries, museums, art galleries, and reading rooms.
6. Medical and dental offices, clinics, and laboratories.
7. Telephone exchanges, radio, and television studios.
8. Studios for work or teaching of fine arts, such as photography; music; drama; dance; and theater.
9. Community centers and private clubs.
10. Computer and data processing centers.
11. Ticket and travel agencies.
12. Television system signal distribution centers and studios.
13. Meeting and conference centers.
14. Storage and warehousing, when conducted in a completely enclosed building.
15. Parking lots and structures.
16. Offices of purchasers, processors, and handlers of agricultural products, limited to administrative uses only.
17. The manufacturing, compounding, assembling, processing, packaging, or similar treatment of articles of merchandise from the following previously prepared materials: bone, canvas,

cellophane, cellulose, cloth, cork, feather, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious and semi-precious metals, precious and semi-precious stones, rubber, sheet metal (excluding large stampings), shell, textiles, tobacco, wax, wire, wood (excluding sawmills, planing mills), and yarn.

18. The manufacturing, compounding, assembling, processing, packaging, or similar treatment of such products as: bakery goods; billboards; candy; ceramics; cosmetics; drafting instruments; electrical parts; appliances; electric or neon signs; electronic instruments; food products; meat packaging; ice cream; medical and dental instruments; musical instruments; pharmaceuticals; pottery, china, or figurines; radios; record players; rubber and metal stamps; rubber products; scientific instruments and equipment; shoes; television receivers; toiletries, soaps and detergents; toys; and watches and clocks.
19. Other industrial and manufacturing uses, such as beverage manufacturing; dairy and non-dairy, and food and non-food product bottling plants; box and crate assembly; cabinet shop; cannery; caterers; cooperage; crematory; dextrine and starch manufacturing; enameling, lacquering and japanning; furniture manufacturing; heating equipment manufacturing; inflammable underground liquid storage; iron works (ornamental), and wire drawing; parcel delivery stations; phonograph record manufacturing; public utility service yard; and tool manufacturing.
20. Recycling, sorting, baling and processing of glass, nonferrous metals (not including automobile wrecking yard), paper scrap and storage of waste paper, when wholly conducted in a completely enclosed building.
21. Hotels and motels, as specifically regulated under Article 8-24(o)(12) herein below.
22. Indoor and outdoor athletic facilities, such as field houses; gymnasiums; soccer; polo; and baseball fields.
23. Outdoor recreational facilities, including swimming pools; tennis courts; golf courses and golf driving ranges, and similar uses.
24. Agricultural research and experimentation facilities.
25. Kindergartens, nursery schools, and child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain not less than twenty-five square feet per child.
26. One designated retail sales area per P-2 project, limited to the following uses:

Offices for business, professional, governmental, civic, social, fraternal, political, religious, and charitable organizations.

Banks, credit agencies, security and commodity brokers and exchanges, credit institutions, savings and loan companies, holding and investment companies.

Establishments for the retail sale of food products, as per Article 8-16(b)(2).

Medical and dental offices, clinics, and laboratories.

Ticket and travel agencies.

Restaurants, cocktail lounges and night clubs, with entertainment, dancing, and/or sale of alcoholic beverages.

Establishments for the retail sale of merchandise, as per Article 8-16(b)(4).

Beauty shops, barber shops, and shoe repair.

Automobile service stations.

Quick copy services utilizing xerographic or similar processes, but not including offset printing methods.

Laundry and laundry pick-up stations, but not including self-service laundry.

Kindergartens, nursery schools and child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain not less than 25 square feet per child.

Athletic club facilities.

27. Temporary cellular telephone transmitting facility; not to exceed 70' in height and with a 1:1 height-to-yard ratio.
28. Adult day care centers.

8-24(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental, and subordinate to permitted uses.)

1. The accessory uses permitted in the P-1, B-4, and I-1 zones, except as specifically prohibited in Article 8-24(e) below.
2. Within the designated retail area, the following accessory uses shall be permitted:

Parking areas and structures.

One dwelling unit for the owners, operators, or employees of a permitted use, provided that such dwelling unit shall be a part of the building and located above or to the rear of such permitted use.

Warehousing, wholesaling, and storage, excluding outdoor storage.

Drive-through facilities for the sale of goods or products or the provision of services otherwise permitted herein.

Satellite dish antennas, as further regulated by Article 15-8.

3. Residential uses solely for incidental use by employees of a permitted use.

8-24(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. Helistops and/or heliports, provided such facilities conform to the requirements of all appropriate Federal, State, and local regulations.
2. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
  - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
  - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
  - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
3. Gasoline pumps available to the public without an employee on site, provided a plan is approved by the Board of Adjustment for periodic inspection of the site by an employee for the following purposes:
  - a. To check all operating equipment;
  - b. To check fire suppression system(s);
  - c. To check the condition of the fire alarm(s);
  - d. To check for indications of fuel leaks and spillage;
  - e. To remove trash from the site;
  - f. To monitor the general condition of the site.
4. Temporary structures designed for use or occupancy for 61 to 180 days per 12-month period on a single property, calculating said period by cumulative consideration of the use of any and all such structures on a single property.
5. Automobile and vehicle refueling stations, provided such uses conform to all requirements of Article 16.
6. Day shelters.

8-24(e) Prohibited Uses (All uses other than those listed as principal, accessory, or conditional uses, or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses and are not intended to be a total listing of all the uses that are prohibited.)

1. Dwellings, except as accessory uses for watchmen or caretakers, or as permitted under 8-24(c)(2) and (3) above.
2. All outdoor storage, display, and/or sales areas, including any vehicular sales facilities; but excluding outdoor patio areas operated in conjunction with a

restaurant.

3. Any uses first permitted in the Heavy Industrial (I-2) zone.
4. Refuse dumps, incinerators, and landfills.
5. A facility for the storage and distribution of gas by railroad tank cars, through gas piping, or by tank trucks which each have a water capacity in excess of 4,000 gallons.

Lot, Yard, and Height Requirements (See Articles 3 and 15 for additional regulations)

8-24(f) Minimum Lot Size - Five (5) acres, except in the designated retail area and areas which have been approved for a final development plan, then no limitation. See 8-24(o)6 below.

8-24(g) Minimum Lot Frontage - No limitation.

8-24(h) Minimum Front Yard - 200' on streets classified as expressways and major arterials on the official functional classification map; 100' for all other street frontages, except cul-de-sacs, which shall have a minimum front yard of 50'.

8-24(i) Minimum Side Yard - A combined side yard of 50', with a minimum of 25'.

8-24(j) Minimum Rear Yard - 25'.

8-24(k) Minimum Useable Open Space - See 8-24(o) below.

8-24(l) Maximum Lot Coverage - 30%; with a maximum floor area ratio of .4, except in the designated retail area, which shall have a maximum lot coverage of 25%, with a maximum floor area ratio of .5.

8-24(m) Maximum Height of Building - 1:1 height-to-yard ratio.

8-24(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Uses first permitted in the B-4 zone - As per B-4.

Uses first permitted in the I-1 zone - As per I-1.

Office Uses - One (1) space for each 400 square feet of floor area.

Designated Retail Area - One (1) space for each 400 square feet of floor area for the first 10,000 square feet; one (1) space for each 200 square feet of floor area after the first 10,000 square feet.

Adult Day Care Center - One (1) space for every ten (10) persons being provided care, plus one (1) space per caregiver on the maximum shift.

Day Shelter - One (1) space for every ten (10) persons being provided services, plus one (10) space per staff member on the maximum shift.

Combinations - Combined uses shall provide parking equal to the sum of individual requirements.

#### 8-24(o) Special Provisions

1. Any site to be zoned in a P-2 zoning category shall be a minimum of fifty (50) net acres in size.
2. No more than fifty percent (50%) of any P-2 project shall be covered with buildings and parking lots or other paved surfaces designed for vehicular use. All open space areas shall be permitted, however, to contain outdoor recreational/athletic facilities, such as ball fields; jogging trails; tennis courts; picnic areas; golf courses; or similar outdoor activities for the use of the employees of the principal use of the property or the public at large. Land owned by the developer at the time of rezoning, which is subsequently dedicated at no cost to the public as recreational or open spaces (not streets), shall be included in such open space requirement.
3. The developer shall be required to provide proof of at least the following private covenants having been created prior to the approval of any final development plan:
  - a. A design committee of at least three registered architects and landscape architects (mixed 2 to 1 in either combination) shall be required to review and approve all site and architectural designs within the development.
  - b. An owners' association or other mechanism which provides for uniform maintenance of all open space areas and common areas.
4. Landscaping shall be required as per Article 18 of the Zoning Ordinance, except as modified herein. Perimeter landscaping around the exterior boundary of the project shall be as provided under Article 18 for the I-1 zone; however, the Commission may permit such portions of required perimeter planting to be reallocated to areas interior to the site, where it finds that solid screening is not needed to screen the uses from the adjoining rights-of-way or properties. In addition, ten (10) square feet of landscape area for each 100 square feet, or fraction thereof, of vehicular use area shall be required within the park. Street trees shall be required as outlined in the Land Subdivision Regulations. Each lot shall be required to provide on-site tree planting at a standard of 25 trees per acre, which shall include any street trees and trees planted within vehicular use areas. Existing trees may be substituted for such required new trees as outlined in Article 18-3(a)(7).
5. Signage within the P-2 zone shall be specifically regulated under Article 17-7(m) of the Zoning Ordinance.
6. A preliminary development plan shall be required to be filed in conjunction with any zoning map amendment to a P-2 zone. No building permits shall

be issued for any lot or building within the development unless and until final development plans are approved, as provided in Article 21. The minimum size project for any final development plan shall be five (5) acres. A final development plan with two or more buildings shall be designed as a cohesive architectural statement, with all development features exhibiting compatible design elements. Where lots are proposed less than five (5) acres in size, the minimum lot, yard, and height requirements shall apply to the entire project, rather than to each subdivided lot.

7. Parking areas shall not be permitted to encroach into required front, side, and rear yards. However, no more than 10 visitor parking spaces may be permitted within such required yards.
8. In addition to the required development plan, the applicant for any P-2 zoning category shall be required to file a comprehensive development statement at the time of filing. Such comprehensive development statement shall include, at a minimum:
  - a. A traffic impact analysis.
  - b. A preliminary site analysis of all significant natural and man-made features with a particular emphasis on any environmentally sensitive areas, geologic hazard areas, existing vegetation which should be given priority as use for open space areas.
  - c. Any proposed use restrictions, building requirements, architectural requirements, or similar restrictions over those required herein.

Such studies shall be evaluated by the staff as part of the overall review of the map amendment request and development plan. Based upon such review, the Planning Commission and/or Council may impose restrictions on uses or other development aspects, including design criteria, as a part of the approval of the P-2 project.

9. A designated retail area can be included within the project at the option of the developer for any project containing over 100 net acres. If included, such designated retail area shall be defined on the preliminary development plan at the time of creation of any P-2 zone and shall be able to be expanded or relocated only with the approval of the legislative body as for a zone change. The designated retail area shall be designed and located to primarily serve the needs of employees and visitors to the Office, Industry and Research Park. It shall be located internal to the park and shall not be located on adjoining arterial streets. The retail area shall not be less than one percent (1%) of the total area of the park, nor greater than five percent (5%) of the total area of the park, in any case.

10. Except to the extent otherwise permitted in Article 8-24(e) above, all uses shall be conducted in a completely enclosed building.
11. No site utilities shall be permitted to be above ground, with the exception of major electric and telephone distribution lines (which shall generally be located on lot perimeters), pad mounted transformers, and similar facilities. Service connections of such utilities to individual buildings shall be required to be underground. Any utilities to be located above ground shall be shown on required final development plans. All such overhead utilities shall be designed, located, and, where appropriate, screened, so as to preclude visibility from adjoining arterial roadways and public open space and/or greenway areas to the greatest extent feasible.
12. The number of hotels and/or motels within a P-2 project shall not exceed a total of one (1) per fifty (50) net acres of the P-2 project; and the total acreage in motel/hotel uses shall not exceed ten percent (10%) of the area of the P-2 project.